



CITY OF OKEECHOBEE
PLANNING BOARD WORKSHOP MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
FEBRUARY 18, 2021
LIST OF EXHIBITS

Exhibit 1

Planning Staff Report Topic

Staff Report

To: Okeechobee Planning Board
From: Ben Smith, AICP
Meeting Date: February 18, 2021
Subject: Workshop- Subdivision and Combination of Property

In October of 2018, The City adopted Ordinance 1170, which created procedures and standards for joinders and de minimis subdivisions. Prior to that ordinance, subdivision platting was the only codified form of property division in the City's land development code. Staff is now proposing some revisions to those standards, as well as other changes to Chapter 86, including a new process for dividing land that is already platted or subdivided. Florida Statute 177.031 defines 'subdivision' as:

the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Thus, according to Florida Statute 177.031, anytime land is being divided into three or more parts and includes the creation of new rights-of-way, a plat must be created. However, there must be processes in place for other types of land reconfigurations:

- A joinder is the combining of parcels.
- A de minimis subdivision is a division or reconfiguration of one parcel into not more than two contiguous parcels, which does not require new rights-of-way or easements. This applies to unplatted/subdivided property.
- A platted parcel split is a division or reconfiguration of a previously platted/subdivided parcel, which does not require new rights-of-way or easements.

Section 86-2

Verbiage has been added which clarifies the city's authority to regulate the division and joining of property within the City limits.

Section 86-4

- The term 'lot' has been separated from parcel to mean, more specifically, "a single unit in a platted subdivision". A definition of parcel has been added which includes any single unit of land. Throughout the remainder of the Chapter the term 'lot' has been replaced by 'parcel' to clarify the broader applicability of the codes. These definitions are applicable to this Chapter, not the entire land development code, and this change is not intended to alter the usage of the word 'lot' in the context of terms such as 'lot depth', 'lot coverage' and 'lot width'.
- A new definition for 'platted parcel split' has been added to define the applicability of the proposed procedures and standards for a platted parcel split in new section 86-92.
- The definition of 'plot' has been deleted, as the word does not appear anywhere else in the Chapter.

Section 86-90

Several new standards have been added for de minimis subdivisions, including:

- Requiring consistency with the comprehensive plan
- Prohibition on the creation of split zoning or land use designations
- Requiring consideration of sewage disposal
- Prohibiting sharing of septic facilities and private utility lines between parcels

Section 86-91

Only one substantive change was made to the joinder standards, which is to prohibit the creation of a parcel with split future land use designations.

Section 86-92

A significant amount of the land in the City of Okeechobee has already been platted, yet remains combined in larger tracts under single ownership. This proposed process for platted parcel splits would allow division of those parcels without requiring a new subdivision/plat. Unlike a de minimis subdivision, division into more than two parcels is permitted, as long as the zoning code standards and comprehensive plan policies are met. The standards proposed are similar to those required for a de minimis subdivision.

Appendix C

Section 19 of the Fee Schedule requires a \$500 application fee for joinders and de minimis subdivisions. Platted parcel splits would be added to that section to require a \$500 fee for those requests.

CHAPTER 86 - SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 86-1. - Purpose and intent of chapter.

- (a) Land subdivision is the first step in community development. Once land has been subdivided into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivided land sooner or later becomes a public responsibility, in that roads, drainage and utilities must be maintained and various customary city services must be provided. The welfare of the entire city is directly affected by land subdivision. It is to the interest of all taxpayers and citizens, the developer, and future residents that subdivisions be conceived, designed, and developed in accordance with sound practice and appropriate standards.
- (b) The intent and purpose of this chapter is to aid in the harmonious development of the city; to secure a coordinated layout and adequate provision for traffic; to secure adequate provision for light, air, recreation, transportation, potable water, flood prevention, drainage, wastewater, other sanitary facilities, and other city services; and to that end to prevent and prohibit the subdivision of land in the city that will not be accomplished in accordance with these regulations.
- (c) In addition to the design requirements for construction of such required improvements as roads and drainage, as set out in this chapter, compliance with the intent of these regulations require that good design be practiced in subdivision planning, valuable and scenic natural features conserved, and adequate open space be made available for public use. Size, shape and orientation of lots and blocks should be carefully considered with relation to future use of the various lots to be created.
- (d) It is intended that the regulations of this chapter shall be liberally constructed to accomplish their stated purposes.

(Ord. No. 669, § 3.00.01, 5-17-1994)

Sec. 86-2. - Jurisdiction of chapter provisions.

The regulations set out in this chapter shall apply to all lands presently within the incorporated limits of the city, and to any lands which may in the future be annexed to and be made a part of the city. No land shall be ~~subdivided or joined, or no building or structure or any part thereof constructed,~~ in any area of the city, after the effective date of the ordinance from which this chapter is derived unless such ~~subdivision or joining~~ conforms to the provisions of the regulations of this chapter, the remainder of the City's code of ordinances, and the City's Comprehensive Plan.

No subdivision, de minimis subdivision, joinder or platted parcel split shall be recognized by the City and no building permit shall be issued unless the land reconfiguration action has been approved by the City prior to recording in accordance with the requirements of this Chapter.

(Ord. No. 669, § 3.00.02, 5-17-1994)

Sec. 86-3. - Applicability of chapter provisions.

In order to ~~subdivide or join land and file a plat thereon,~~ except merely to record boundaries of an ownership, all requirements as set out in this chapter shall be met, and the procedures as set forth in this chapter shall be followed.

(Ord. No. 669, § 3.00.03, 5-17-1994)

Sec. 86-4. - Definitions.

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

Alleys means minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Bicycle way means a right-of-way intended primarily for the use of bicyclists, excluding self-propelled vehicles.

Building includes the term "structure" and shall be constructed as if followed by the phrase "or part thereof."

City administrator means the person filling the position or his designee.

Code means the unified land development code of the city, volumes 1 through 4.

Cul-de-sac means a minor street intersection with another street at one end and terminating at the other in a vehicular turnaround.

Developer means a person, or his agent, who undertakes the activities covered by this chapter, particularly the preparation and presentation of a subdivision plat showing the layout of the land and the improvements involved thereof. Inasmuch as the subdivision plat is merely a necessary means to the end of ensuring a satisfactory development, the term "developer" includes the term "subdivider," even though the identity of persons involved in successive stages of a project may vary.

Developer's agreement means the agreement entered into between the developer and the city, defining in detail the responsibility of both parties and the conditions for acceptance and recording of the plat. A developer's agreement may include utility agreements for both water and wastewater.

Easement means a right-of-way granted for limited use of private property for a public or quasi-public purpose.

Engineer means an engineer licensed in the state and qualified to perform duties for a developer under the terms of this chapter.

Joinder of lots means any combination of a ~~lot of record, or~~ parcel of land (or portions thereof) with one or more other ~~lots, lots of record, or~~ parcels of land (or portions thereof).

Land includes water surface and land under water.

Lot means a single unit in a platted subdivision.

Lot depth means the mean horizontal distance between the front and rear lines of a lot or parcel.

Lot split/de De minimis subdivision means a division or reconfiguration of land, whether improved or unimproved, into not more than two contiguous ~~lots or~~ parcels of land and which division or reconfiguration does not involve the need for a new street, or easement for street purposes, or the establishment or dedication of a highway, street, or alley.

Lot width means the horizontal distance between the side lines of a lot or parcel at the depth of the required front yard or at the front ~~lot~~property line where no building setback is required.

Parcel means a single unit of land under same ownership. A parcel may contain multiple platted lots and portions of platted lots.

Plat means a map, diagram, or graphic representation of real property which has been subdivided into lots, ~~plots or parcels~~ and showing such facilities and public improvements as may be required under this chapter. The verb "to plat" or "plating" shall mean to make or prepare a plat.

Platted parcel split means a division or reconfiguration of a previously platted parcel, whether improved or unimproved, which division or reconfiguration does not involve the need for a new street, or easement for street purposes, or the establishment or dedication of a highway, street, or alley.

~~*Plot*~~ includes the term "lot" or "parcel." A lot is also identified as a single unit in a subdivision.

Public improvements means any of the following, which are listed only for the purpose of illustration and emphasis: streets, pavement, with or without curbs and gutters; sidewalks, alleys and alley pavement; water mains; sanitary wastewater; storm wastewater or storm drainage; electricity; street name signs, street trees, and similar public requirements or amenities.

Right-of-way (ROW) means lands conveyed or dedicated to the public to be used for a street, alley, walkway, drainage facility or other public purpose.

Sight distance means the maximum extent of unobstructed vision (in a horizontal plane) along a street located at any given point on the street.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated. Where width is designated, such width is right-of-way width.

Street, arterial, means a street or highway used primarily for fast and heavy traffic traveling considerable distances with a width of right-of-way of 150 feet or more.

Street, collector, means a street with a right-of-way of at least 100 feet which, in addition to giving access to abutting properties, carries traffic from minor street to the major system of arterial streets and highways, including the principal entrance street of a residential development and streets for circulation within a development.

Street, local, means a minor street used primarily for access to abutting properties and not for through traffic with a right-of-way of at least 50 feet.

Street, marginal access, means a minor street at least 50 feet in width parallel to and adjacent to arterial streets or highways and which provides access to abutting property and protection from through traffic. A marginal access street may also be called a frontage or service road.

Subdivision means the division of land into three or more lots, sites, or parcels, any one of which contains two acres or less in area, or, if a new street or easement for street purposes or the establishment or dedication of a highway, street, or alleys is involved, any division of a parcel of land. The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The sale or exchange of small parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots or parcels shall not be considered a subdivision of land.

Surety bond means a performance-payment bond, and other instruments of security, furnished to the city by the developer and the developer's surety that the public improvements will be completed and completed in accordance with the approved final plat.

Surveyor means a land surveyor registered in the state, and engaged by the developer to survey and prepare the plat of the land proposed for subdivision.

Used and occupied include the words "intended," "designed," or "arranged to be used" or "occupied."

Walkway means a right-of-way intended primarily for pedestrians, excluding self-propelled vehicles.

Work means all construction shown or required on the plat as approved as well as all required construction as shown on approved plans and specifications for all facilities and features of any kind.

(Ord. No. 669, § 3.01.00, 5-17-1994; Ord. No. 1170, § 1, 10-2-2018)

Cross reference— Definitions generally, § 1-2.

Secs. 86-5—86-40. - Reserved.

ARTICLE II. - ~~PLANS AND PLATS~~ PLATTING

DIVISION 1. - GENERALLY

Sec. 86-41. - Preparation of plats.

Maps and plats are to be prepared by registered surveyors and construction plans and specifications for required improvements shall be prepared by a registered engineer.

(Ord. No. 669, § 3.02.00, 5-17-1994)

Sec. 86-42. - Preapplication procedure.

- (a) Prior to the filing on an application for conditional approval of the preliminary plat, the developer or subdivider shall submit to the city, through the general services department for review by city personnel and the technical review committee, plans and data as specified in this subpart B. This step does not require formal application fee, or filing of plat with the city council. The specified plans and data shall be filed with the city building official who will in turn refer the material to appropriate city departments for review, comment, criticisms and suggestions, and in turn submit them with preapplication plans and data to the technical review committee.
- (b) Within 30 days after receipt by the city of the preapplication material, the technical review committee shall meet, review the materials, comments and data as submitted or modified, and inform the developer whether the plans and data, do or do not meet the objectives of this chapter and the city comprehensive plan. When the committee finds the plans and data do not meet the objectives of this chapter, it shall express in writing the reasons therefore. Under no circumstance shall the developer be permitted to proceed with development prior to the approval of the committee, and conditional preliminary plat approved by the city council.

(Ord. No. 669, § 3.03.00, 5-17-1994; Ord. No. 838, § 1, 10-7-2003)

Sec. 86-43. - Procedure of conditional approval of preliminary plat and approval of construction plans for required improvements.

- (a) On reaching conclusions under preapplication procedure, as outlined in section 86-42, regarding his general purposes and objectives, the developer will prepare a preliminary plat, together with improvement and construction plans and other supplementary material as specified in section 86-72.
- (b) Eleven copies of the preliminary plat, improvement and construction plans, technical review committee comments, and supplementary material specified shall be submitted to the city council through the city administrator with written application for conditional approval at least 14 days prior to the meeting at which it is to be considered.
- (c) The city administrator shall be the agent for reporting in writing to the city council that recommendations, findings, or reports of the appropriate city departments to which he refers the materials specified in subsection (b) of this section, together with an analysis of compliance or noncompliance with regulations applicable to the preliminary plat and required supplementary materials. The city shall check to determine whether any taxes remain unpaid on the land in question.
- (d) At a public meeting, the city council will receive reports on and review the preliminary plat and required improvement and construction plans and supplementary materials to determine compliance with applicable regulations. The developer, adjoining owners and other persons interested in or affected by the proposed subdivision shall have a right to be heard in person, by letter, or by agent or attorney before action is taken by the city council.
- (e) The city council may conditionally accept the preliminary plat and approve the required construction and improvement plans and supplementary materials as presented, or with minor modifications, if found to be in compliance with this chapter, or may refuse to accept the preliminary plat and required construction and improvements plans supplementary materials when not found to be in compliance with, or readily capable of being revised to comply with, this chapter. If the council refuses to accept

the preliminary plat and required construction and improvement plans and supplementary materials, the council shall state in writing the particular basis for the refusal, and a copy thereof shall be furnished to the developer.

- (f) At this stage, the city council, with the aid of the city administrator and appropriate city departments, shall, if conditional acceptance of the preliminary plat and required construction and improvement plans and supplementary materials is given, work out an agreement with the developer to include, but not to be limited to, provisions for carrying out the required construction and improvements to completion and the developing of the subdivision stages, if the proposed subdivision is to be a large one and the council shall find that development in stages is consistent with the intent and purposes of this chapter.
- (g) The action of the city council shall be noted on two copies of the preliminary plat, references, and attached to any conditions made. One copy shall be returned to the developer and the other retained in the office of the city administrator.
- (h) Conditional acceptance of the preliminary plat and approval of construction plans for required improvements and required supplementary materials shall not constitute acceptance of the final plat. Rather, it shall be deemed an expression of acceptance of the layout submitted on the preliminary plat as a guide to the preparation of the final plat and approval of construction plans for required improvements and required supplementary materials.

(Ord. No. 669, § 3.04.00, 5-17-1994; Ord. No. 838, § 1, 10-7-2003)

Sec. 86-44. - Procedure for approval of final plat.

- (a) The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the developer and approved by the city council, it may constitute only that portion of the approved preliminary plat which he proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of this chapter.
- (b) The final plat and required supplementary material shall be submitted for approval by the city council through the city administrator and for recording upon fulfillment of the requirements of this chapter and any conditions imposed at the time of conditional approval of the preliminary plat. The final plat shall conform to all applicable provisions of F.S. ch. 177.
- (c) Application for approval of the final plat and approval of construction of required improvements and required supplementary materials shall be submitted in writing at least 14 days prior to the city council meeting at which it is to be considered. The application shall be checked by the city administrator and other appropriate city departments for compliance with applicable regulations. The city administrator shall report in writing the findings of the city departments to the city council.
- (d) Copies of the final plat and required supplementary material shall be prepared as specified in section 86-73 and shall be submitted within 12 months after approval of the preliminary plat; otherwise, such conditional approval of the preliminary plat shall become null and void unless an extension of time is applied for in writing and granted by the city council.
- (e) One approved mylar and two reproducible prints and three paper prints of the final plat and one copy of the required supplementary material shall be submitted for the files of the city. Additional prints may be required upon demonstrated need of the city.
- (f) The city council shall accept, reject, or modify the final plat in conformity with this chapter.
- (g) Failure to comply with the provisions of this chapter and other applicable statutes and ordinances shall be cause for refusing to accept the final plat.

(Ord. No. 669, § 3.05.00, 5-17-1994)

Secs. 86-45—86-70. - Reserved.

DIVISION 2. - PLATS AND DATA

Sec. 86-71. - Preapplication plans and data for platting.

In connection with the subdivision or resubdivision of land, the following materials are required at the stage of preapplication:

- (1) General subdivision information shall describe or outline the existing conditions of the site, including general information on drainage and topography, and the proposed development as necessary to supplement the drawings required in this division. This information may include, but is not necessarily limited to, data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical width and depth, price range, business areas, other public areas, proposed restrictive covenants, and proposed utilities and street improvements.
- (2) The location map shall show adjacent and surrounding properties the relationship of the proposed subdivision to existing community facilities which serve or influence it. The map shall include the development name and location; main traffic arteries; shopping centers; elementary and high schools, parks and playgrounds; principal places of employment; other community features such as railroads and bus stations; hospitals and churches; title; scale; north arrow; and date.
- (3) The sketch plan on the topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data listed in section 86-72 or such of these data as the city council determines is necessary for its consideration of the proposed sketch plan.

(Ord. No. 669, § 3.08.01, 5-17-1994)

Sec. 86-72. - Plats and data for conditional acceptance or approval.

The preliminary plat shall be at a scale of not more than 200 feet to the inch. It shall show or be accompanied by the following information:

- (1) Proposed subdivision name or identifying title, which shall not duplicate or closely approximate the name of any other subdivision in the city.
- (2) Key plan, shown location of tract in reference to other areas of the city.
- (3) North arrow, graphic scale, scale, and data; basis of bearing (desired true bearing).
- (4) Name of the owner of the property or his authorized agent.
- (5) Name of the registered engineer or surveyor responsible for the plat and supporting data.
- (6) Tract boundaries, with angles and distances.
- (7) Conditions on tract, including all existing watercourses, drainage ditches, and bodies of water; marshes; rock outcrop, isolated preservable trees one foot or more in diameter; and other significant features.
- (8) All existing streets and alleys on or adjacent to the tract, including name, right-of-way width, street or pavement width, and established centerline elevations. Existing streets shall be dimensioned to tract boundaries.
- (9) All existing property lines, easements, and rights-of-way and the purpose for which the easements or rights-of-way have been established.

- (10) Location, names where applicable, and width of all proposed streets, alleys, rights-of-way, easements, and purpose of easements, proposed lot lines with approximate dimensions; lot numbers, and block numbers.
- (11) Ground elevations on the tract, based on USCGS datum level at minimum contour intervals sufficient to show disposition of surface drainage (city datum based on USCGS datum acceptable).
- (12) Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions; depth to groundwater unless test pits are dry at a depth of three feet; location and results of soil percolation tests if individual wastewater disposal systems are permitted.
- (13) Written statement and graphic representation and profiles, if necessary, showing proposed grades of streets and facilities for drainage.
- (14) When applicable, future land use classifications on and near the tract.
- (15) Utilities on or adjacent to the tract. Indicate whether above the ground or below the ground.
- (16) Sites, if any, to be dedicated or reserved for public use.
- (17) Preliminary specifications for required improvements, such as streets, curb and gutter, water, sanitary wastewater, storm drainage, etc.
- (18) Title and certifications; present tract designation according to official records in office of the county clerk; names and addresses of owners, including certification from developer's attorney or abstract company that the dedicator of the plat is the owner of record at the time plat is to be accepted for filing; statement from the owner that there are no mortgages on the property; if there are none, or if there be a mortgage, a letter of acknowledgement from the mortgagee stating that he approves the platting; certificate from the developer's attorney, or the county tax collector, that all due taxes have been paid at time application for conditional approval or acceptance is filed.
- (19) Draft of protective covenants, whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- (20) Statements in accord with section 86-71(1).
- (21) Draft of proposed developer's agreement.

(Ord. No. 669, § 3.08.02, 5-17-1994)

Sec. 86-73. - Plats and data for final acceptance or approval.

- (a) The final plat is to be prepared by a surveyor or engineer registered in the state and to be clearly and legibly drawn as required for filing for record in the county, and in accordance with design standards and provisions of F.S. ch. 177. Where necessary, the plat may be several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval or acceptance progressively in contiguous sections satisfactory to the city council. If required improvements are constructed without bond, all construction shall be in accord with this chapter and with the developer's agreement; if constructed with bond, all plans for required improvements shall be in accord with this chapter and with the developer's agreements. The final plat shall be at a scale of no more than 200 feet to the inch except where special dispensation is granted by the city council, and shall include the following features:
 - (1) Subdivision name or identifying title and name of recorded owner.
 - (2) Primary control points, approved by the city, or description and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - (3) North point, scale, graphic scale, and data; basis of bearing (desired true bearing).

- (4) Trace boundary lines, right-of-way lines of streets and easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles, with radii, arcs, and central angles of all curves distances to be accurate to hundredths of a foot and angles to nearest minute.
 - (5) Location sketch showing location of subdivision with respect to section lines.
 - (6) Location and description of all permanent reference markers and permanent control points.
 - (7) The exact name, locations, and widths along the property lines of all existing or recorded streets intersecting or paralleling the boundaries of the tract.
 - (8) The exact layout including street and alley lines and rights-of-way; street names, bearings and widths (including widths along the lines of any obliquely intersecting street); lengths of arcs and radii, points of curvature, and chord and length and bearings; points of tangency or nontangency intersects; all easements owned by or rights-of-way provided for public utilities; all lot lines with dimensions in feet and hundredths, and with bearings or angles if other than right angles to the street and alley lines. All street names shall conform to the city system.
 - (9) Lots to be numbered in numerical order beginning with one in each block, and blocks to be lettered in alphabetical order.
 - (10) Minimum building setback lines on all lots or other sites.
 - (11) The accurate outline of all property which is to be dedicated, reserved, or proposed for public use, including open drainage courses and easements, and all property that may be reserved by covenants in deeds for the common use of the property owners in the subdivision, with the purposes indicated thereon.
 - (12) Reference to recorded subdivision plats of adjoining platted land by record number, name and date, the adjacent portions of which may be shown in outline form.
 - (13) A complete description of the land intended to be subdivided.
 - (14) Certification by registered surveyor or engineer attesting to the accuracy of the survey and that the permanent reference markers and control points have been established according to law and this chapter.
 - (15) Space and form for the following necessary acceptance or approvals: the mayor of the city and the county clerk of the circuit court.
 - (16) The plat shall contain on the face thereof an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, easements, commons, or other public places included within the plat, such dedication to be subscribed to by the legal and equitable owners of such lands, which dedication shall be checked for accuracy of description by the city attorney and attested by a notary public.
- (b) Data for final approval shall include cross section and profiles of streets and any necessary drainage facilities, approved by the city. The profiles shall be drawn to city standard scales and elevations shall be based on a USCGS datum plane.
 - (c) Protective covenants in form for recording shall be included with data for final approval.
 - (d) No plat shall be accepted or approved unless and until all taxes and improvement liens levied against the lands included in such plat have been paid and discharged.
 - (e) No plan shall be accepted or approved for recording until the developer shall have entered into an agreement, in form for recording with the city specifying the following, at a minimum:
 - (1) The work to be done, and the time specified therefor, by the developer.
 - (2) The exception, if any, approved by the city to standard requirements.
 - (3) The participation in the development, if any, by the city and the time for completion of such work.

- (4) The lien, if any, imposed upon the land of the developer for any work performed by the city.
 - (5) The conditions under which building permits will be allowed within the subdivision by the city.
 - (6) The conveyance by the developer to the city of all water, wastewater, and storm lines installed within dedicated public rights-of-way.
 - (7) The agreement of the developer to maintain and repair all streets constructed by the developer in the subdivision for a period of one year after completion of the same, and prior to acceptance of maintenance thereof by the city.
- (f) The developer's agreement shall further contain a certification countersigned by the city administrator and showing the approval of the city council that the developer has complied with one of the following alternatives:
- (1) *Without bond.* The developer's engineer shall, upon completion of the entire work on the subdivision or on one or more units of the subdivision, as approved by the city council, furnish the city administrator with a written certificate of such completion, accompanied by the records and data as prescribed in this division; the city administrator, or authorized representative, shall recheck the plat and the work done and, if the same shall be found to comply with these regulations, the city council shall, on the recommendation of the city administrator, approve or accept the final plat.
 - (2) *With bond.* The developer shall furnish to the city within 60 days after approval or acceptance by the city council of the final plat, and any event prior to commencing any construction, a surety bond satisfactory to the city council guaranteeing that the work required will be completed in full accordance with the final plat and all conditions attached thereto, copies of which shall be attached to and constitute a part of the bond agreement. If the bond is not thus furnished, the final approval or acceptance of the plat shall be automatically voided, and the plat shall not be filed or recorded. One 12-month extension of the bond may be granted in the discretion of the city council, but not more than one such extension shall be granted. Such bond shall be in an amount to 120 percent of the sum of engineering and construction contracts substantiated by either a signed and sealed (by a professional engineer) opinion of probable costs or executed contracts, or both. The developer's agreement shall constitute a covenant by the city and the developer-owner of the subdivision, the terms and conditions of which shall run with the land; include a date at which time work will be completed in full compliance with final plat conditions; and be binding upon all successors in interest to the developer-owner.
- (g) Upon completion of the entire work on the subdivision or on one or more stages of the subdivision, in accordance with the developer's agreement, the developer's engineer shall furnish to the city a written certificate of such completion, accompanied by the records and data as prescribed in this section. The city shall recheck the plans and the work done and if the same shall be found to comply with this chapter and are in accordance with the developer's agreement, recommendations shall be made to the city council for the acceptance of the subdivision. The city council, upon the recommendation of the city administrator, shall approve the subdivision development which shall authorize issuance of permits for construction therein according to codes of the city. No temporary or conditional permit shall be issued prior to the acceptance of the development by the city council.

(Ord. No. 669, § 3.08.03, 5-17-1994)

Sec. 86-74. - Inspection; release of developer's bond.

- (a) For the purpose of generally enforcing and administering this chapter, the city administrator or duly authorized representative shall make such necessary inspections before, during, and after the construction of the work so that the city council may currently be informed of the status of the development and so that the city may generally assist all agencies and persons involved in the work to maintain the standards set by this chapter. Upon receipt of a signed and sealed certificate of completion from a professional engineer, the city council shall direct the city administrator to make a final inspection of each contract operation on the site. If the work conforms to all plans and

specifications, the city administrator shall so inform the city council by letter, which body shall endorse the letter and transmit it to the developer or the developer's engineer. The letter shall constitute authority for release of the contractor's performance bond by the developer. If certain elements of the incomplete project do not conform to the requirements of this chapter and the plans and specifications, the city administrator shall notify the city council in writing, and that body shall transmit the same to the developer's engineer so that corrective measures may be instituted within the life of the construction contract and within the tenure of the contractor's performance bond.

- (b) Upon completion of the elements of the work in accordance with this chapter and the plans and specifications, the city administrator shall submit a certificate to the city council that the work has been acceptably completed. The city council shall accept, modify, or reject this recommendation. If approved, the performance bond of the developer shall be reduced by 50 percent and held as a maintenance bond for one year. At such time it shall be released if no maintenance is necessary to correct any subsequent structural design imperfections.

(Ord. No. 669, § 3.09.00, 5-17-1994)

Secs. 86-75—86-89. - Reserved.

~~DIVISION 3. - SIMPLE LOT SPLIT/~~ARTICLE III. - DE MINIMIS SUBDIVISIONS

Sec. 86-90. - Procedure for application submission and approval of a ~~simple lot split/~~de minimis subdivision.

- (a) *Submittal.* The city shall consider a proposed ~~lot~~parcel split upon submittal of two copies of the following information:
- (1) A cover letter describing the project, identifying the project contact person(s) and any other information relevant for city's staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form.
 - (2) Completed application form.
 - (3) All applicable fees (See Appendix C, Schedule of Land Development Regulation Fees and Charges).
 - (4) Owner's authorization (if applicable).
 - (5) A survey, not more than one year old, prepared by a professional land surveyor registered in the State of Florida. The survey must include legal descriptions, acreage and square footage of the original and proposed ~~lots~~parcels and a scaled drawing showing the intended division, including any existing or required easements and/or restrictions. In the event a ~~lot~~parcel contains any principal or accessory structures, a survey showing the structures on the ~~lot~~parcel shall accompany the application; and a metes and bounds description shall accompany each description.
 - (6) A statement from the appropriate provider indicating if water and sanitary sewer service capacity is available to the property.
- (b) *Standards.* All ~~lot split~~de minimis subdivision requests must conform to the following standards:
- (1) The division of land must not increase the number of ~~lots~~parcels to greater than two.
 - (2) The property that is the subject of the ~~lot split~~de minimis subdivision shall be current in its ad valorem tax and other assessments due to the city and county.
 - (3) Each of the newly created ~~lots~~parcels must meet or exceed all requirements of the zoning district in which the ~~lot~~parcel is located and be consistent with the designated future land use map category.

- (4) Each of the newly created lots/parcels must abut a public or private street for the required minimum street frontage for the type of lot, or as otherwise stated in the city's subdivision regulations.
 - (5) Each of the newly created lots/parcels must have no encumbrances on the subject property that would render the newly created lots/parcel undevelopable, or would impact the transfer of title.
 - (6) If there are existing structures on the subject property, the lot-split/de minimis subdivision shall not cause any existing principal or accessory structures to become nonconforming regarding required setbacks, maximum allowable density and intensity, and maximum allowable lot coverage and impervious surfaces.
 - (7) The proposed lot/parcel split must be consistent with surrounding lots/parcels. In determining consistency and compatibility with surrounding lots/parcels, the city ~~council~~ may consider, among other things, whether the existing ~~or-platted-lots/parcels~~ have been subdivided; and whether the majority of existing ~~or-platted-lots/parcels~~ are comparable in size or configuration ~~along the same street~~ within 500-feet of the subject parcel/lot; ~~and if the resulting lots are waterfront lots, whether they will be of adequate size to accommodate a septic tank.~~
 - (8) No further division of an approved lot-split/de minimis subdivision is permitted, unless a development plan and plat/replat is prepared and submitted in accordance with the city's subdivision regulations, and this chapter.
 - (9) A lot-split/subdivision may not be approved if property taxes are not current for any part of the property that is the subject of a proposed lot-split/subdivision.
 - (10) If sanitary sewer service connection will not be required, the resulting parcels shall be of adequate size to accommodate a septic tank. Otherwise, a statement must be included from the appropriate provider indicating that sanitary sewer service is available to the property or can be made available.
 - (11) Each of the newly created parcels should not be split zoned or have split future land use designations.
 - (12) The newly created parcels shall not share septic facilities and private utility lines shall not cross property lines.
- (c) *Approval.*
- (1) The City Administrator, or his designee, shall review the lot-split/de minimis subdivision application and, with input as needed from the city's planning consultant, city staff and other members of the technical review committee, determine if the application meets the submittal requirements of section 86-90(a).
 - (2) If the submittal is incomplete, the applicant will be notified of the deficiencies for revision and resubmittal.
 - (3) When a submittal or revised submittal is found complete, the city administrator, or his designee, will review the application for consistency with the standards of section 86-90(b), with input as needed from the city's planning consultant and other members of the technical review committee.
 - (4) If the city administrator finds that the application meets all the standards of section 86-90(b), they may approve the lot-split/de minimis subdivision and notify the applicant accordingly in writing. If not, they may approve the lot-split/de minimis subdivision with conditions, or disapprove the lot-split/de minimis subdivision, and notify the applicant accordingly.
- (d) *Actions subsequent to approval.* Before a building permit may be issued, the applicant must:
- (1) Record the lot-split/de minimis subdivision in the official records of Okeechobee County; and
 - (2) Provide proof of the lot-split/de minimis subdivision approval by the city administrator.

~~DIVISION 4. PROCEDURE FOR APPLICATION SUBMISSION AND APPROVAL OF~~
~~ARTICLE IV. - JOINDERS OF LOTS~~

Sec. 86-91. - Procedure for application submission and approval to combine multiple lots or parcels into one parcel ~~or lot~~.

- (a) *Submittal.* The city shall consider a joinder (hereinafter referred to as a "joinder") upon submittal of two copies of the following information:
- (1) A cover letter describing the project, identifying the project contact person(s) and any other information relevant for city's staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form.
 - (2) Completed application form.
 - (3) All applicable fees (Appendix C, Schedule of Land Development Regulation Fees and Charges).
 - (4) Owner's authorization (if applicable).
 - (5) A survey, not more than one year old, prepared by a professional land surveyor registered in the State of Florida. The survey must include legal descriptions, acreage and square footage of the original ~~lots~~parcels and proposed ~~lot~~parcels and a scaled drawing showing the intended joinder, including any existing or required easements and/or restrictions. In the event a ~~lot~~parcel contains any principal or accessory structures, a survey showing the structures on the ~~lot~~parcel shall accompany the application; and a metes and bounds description shall accompany each description.
 - (6) Completed Unity of Title form.
- (b) *Standards.* All joinder requests must conform to the following standards:
- (1) The properties that are the subject of the joinder shall be current in their respective ad valorem tax and other assessments due to the city and county.
 - (2) All lots or parcels (or portions thereof) shall be located within the same zoning district and share the same future land use designation.
- (c) *Approval.*
- (1) The city administrator, or his designee, shall review the joinder application and, with input as needed from the city's planning consultant, city staff and other members of the technical review committee, determine if the application meets the submittal requirements of section 86-91 (a).
 - (2) If the submittal is incomplete, the applicant will be notified of the deficiencies for revision and resubmittal.
 - (3) When a submittal or revised submittal is found complete, the city administrator, or his designee, will review the application for consistency with the standards of section 86-91(b), with input as needed from the city's planning consultant and other members of the technical review committee.
 - (4) If the city administrator finds that the application meets all the standards of section 86-91(b), they may approve the joinder and notify the applicant accordingly. If not, they may approve the joinder with conditions, or disapprove the joinder, and notify the applicant accordingly.
- (d) *Actions subsequent to approval.* Before a building permit may be issued, the applicant must:
- (1) Record the Unity of Title in the official records of Okeechobee County; and

- (2) Provide proof of the joinder approval by the city administrator.

(Ord. No. 1170 , § 3, 10-2-2018)

~~Secs. 86-92—86-110.—Reserved.~~

ARTICLE V. – PLATTED PARCEL SPLITS

Sec. 86-92. - Procedure for splitting existing platted parcels.

(a) *Submittal.* The city shall consider a platted parcel split upon submittal of two copies of the following information:

- (1) A cover letter describing the project, identifying the project contact person(s) and any other information relevant for city's staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form.
- (2) Completed application form.
- (3) All applicable fees (Appendix C, Schedule of Land Development Regulation Fees and Charges).
- (4) Owner's authorization (if applicable).
- (5) A survey, not more than one year old, prepared by a professional land surveyor registered in the State of Florida. The survey must include legal descriptions, acreage and square footage of the original parcel and proposed parcels and a scaled drawing showing the intended platted parcel split, including any existing or required easements and/or restrictions. In the event a parcel contains any principal or accessory structures, a survey showing the structures on the parcel shall accompany the application; and a metes and bounds description shall accompany each description.
- (6) A statement from the appropriate provider indicating if water and sanitary sewer service capacity is available to the property.

(b) *Standards.* All platted parcel split requests must conform to the following standards:

- (1) The property that is the subject of the platted parcel split shall be current in ad valorem tax and other assessments due to the city and county.
- (2) Each of the newly created parcels must meet or exceed all requirements of the zoning district in which the parcel is located and be consistent with the designated future land use map category.
- (3) Each of the newly created parcels must abut a public or private street for the required minimum street frontage for the type of lot, or as otherwise stated in the city's subdivision regulations.
- (4) Each of the newly created parcels must have no encumbrances on the subject property that would render the newly created parcels undevelopable, or would impact the transfer of title.
- (5) If there are existing structures on the subject property, the platted parcel split shall not cause any existing principal or accessory structures to become nonconforming regarding required setbacks, maximum allowable density and intensity, and maximum allowable lot coverage and impervious surfaces.
- (6) The proposed parcel split should be relatively consistent with surrounding parcels. In determining consistency and compatibility with surrounding parcels, the city may consider, among other things, whether the majority of existing or platted parcels are comparable in size or configuration within 500-feet of the subject parcel.

- (7) Each of the newly created parcels shall not be split zoned or have split future land use designations.
- (8) The newly created parcels shall not share septic facilities and private utility lines shall not cross property lines.
- (9) If sanitary sewer service connection will not be required, the resulting parcels shall be of adequate size to accommodate a septic tank. Otherwise, a statement must be included from the appropriate provider indicating that sanitary sewer service is available to the property or can be made available.

(c) Approval.

- (1) The city administrator, or his designee, shall review the platted parcel split application and, with input as needed from the city's planning consultant, city staff and other members of the technical review committee, determine if the application meets the submittal requirements of section 86-92 (a).
- (2) If the submittal is incomplete, the applicant will be notified of the deficiencies for revision and resubmittal.
- (3) When a submittal or revised submittal is found complete, the city administrator, or his designee, will review the application for consistency with the standards of section 86-92(b), with input as needed from the city's planning consultant and other members of the technical review committee.
- (4) If the city administrator finds that the application meets all the standards of section 86-92(b), they may approve the platted parcel split and notify the applicant accordingly. If not, they may approve the platted parcel split with conditions, or disapprove the platted parcel split, and notify the applicant accordingly.

(d) Actions subsequent to approval. Before a building permit may be issued, the applicant must:

- (1) Record the platted parcel split in the official records of Okeechobee County; and
- (2) Provide proof of the platted parcel split approval by the city administrator.

Secs. 86-93—86-110. - Reserved.

ARTICLE ~~III~~VI. - VARIANCES

Sec. 86-111. - Hardship.

Where the city council finds that extraordinary hardships may result from strict compliance with this chapter so that substantial justice may be done and the public interest secured; provided, however, that such variation will not have the effect of nullifying the intent and purpose of the city comprehensive plan or this subpart B. Such variances shall be specified in the developer's agreement.

(Ord. No. 669, § 3.10.01, 5-17-1994)

Sec. 86-112. - Large scale development.

The standards and requirements of this chapter may be modified by the city council in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgment of the city council will provide adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, which will provide such covenants or other legal provisions as will ensure conformity to and achievement of the city comprehensive plan, and which will ensure that such development will not constitute an economic and tax burden on the city.

(Ord. No. 669, § 3.10.02, 5-17-1994)

Sec. 86-113. - Conditions.

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

(Ord. No. 669, § 3.10.03, 5-17-1994)

Secs. 86-114—86-140. - Reserved.

ARTICLE IV. - DESIGN STANDARDS

Sec. 86-141. - Streets.

- (a) The arrangement, character, extent, width, grade, design, construction, maintenance and location of all streets shall conform to the future traffic circulation map of the city comprehensive plan, The Manual of Standards for Design, Construction and Maintenance for City Streets (referred to in this article as the "public works manual"). New streets shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such street. The public works manual is to be administered by the department of public works, and may, from time-to-time, be amended or changed by the director with the approval of the city administrator. Any variations from the standards contained within the public works manual shall be reviewed in advance by the director and approved by the city administrator.
- (b) Where such is not shown on the future traffic circulation map, the arrangement of streets in a subdivision shall either:
 - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (2) Conform to a plan for the neighborhood approved or adopted by the city council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.
- (c) Within state department of transportation highways and other divided city streets, the city will require medians to be designed and constructed by the developer with curbs, concrete and brick, and provided with planting beds as shown in the public works manual. Concrete traffic separators shall extend for the entire length of left turn lanes. Where an access management plan has been agreed to by the city and the state department of transportation, medians shall be modified as necessary to conform to that agreement. Landscaping and irrigation systems shall also be provided by the developer after approval by the city administrator.
- (d) Local streets shall be so laid out that their use by through traffic will be discouraged.
- (e) Where a subdivision abuts on or contains an existing or proposed arterial street, the council may require marginal access streets, reverse frontage with a decorative block wall contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Where a decorative block wall is approved, such wall shall be designed and constructed to be a minimum of five feet in height with stucco surface painted and be in conformance with the landscape requirements of this subpart B.
- (f) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the city council may require a marginal access street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts.

Distances involving rights-of-way shall also be determined with due regard for the requirements of approach grades and future grade separations.

- (g) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the city council.
- (h) Street jogs with centerline offsets of less than 150 feet shall be avoided, except where topographic situations make this provision impractical.
- (i) A tangent at least 250 feet long shall be introduced between curves on arterial and collector streets.
- (j) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 150 feet for local streets, 300 feet for collector streets, and 500 feet for arterial streets.
- (k) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than a 75 degree angle.
- (l) Property lines at street intersections shall be rounded with a radius of ten feet, or of a greater radius where the city council may deem it necessary. The city council may permit comparable cutoffs or chords in place of rounded corners.
- (m) There shall be no private streets or easements for street use platted in any subdivision without the specific approval of the city council. Where the city council approves private streets, the council shall ensure that adequate provision is made for the initial installation and future maintenance of such streets, to the end that such streets shall not become a future charge upon the city. Private streets shall be designed and constructed to the specifications of the public works manual.
- (n) Street right-of-way width shall be as provided in section 86-4.
- (o) Sight distances shall be as provided in the public works manual. The plat should indicate setback requirements on any street where they would be applicable. Additional rights-of-way may be required to promote public safety and convenience, or to ensure adequate access, circulation, and parking in high density residential areas, commercial areas, business areas, or industrial areas. Where a subdivision abuts on or contains an existing street of inadequate right-of-way width, additional rights-of-way in conformity with the standards of this section shall be required for new subdivisions.
- (p) Half or partial streets shall be prohibited. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (q) Dead-end streets, designed to be so permanently, shall be prohibited except when designed as culs-de-sac. Such streets shall be as provided in the public works manual without special permission of the city council, where due to unusual circumstances involving larger designs or topographical conditions a greater length may be deemed necessary.
- (r) Street names and lots numbers shall conform to the street naming and lot numbering plan of the city.
- (s) Street grades shall be determined in relation to the drainage installations for the subdivision. Wherever feasible, street grades shall not exceed five percent or less than one-half of one percent, unless otherwise approved by the city.

(Ord. No. 669, § 3.06.01, 5-17-1994)

Cross reference— Streets and sidewalks, ch. 46.

Sec. 86-142. - Alleys.

- (a) Alleys shall be provided in commercial and industrial districts, except that the city council may waive this requirements where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Alleys may be allowed in residential districts.

- (b) The width of an alley shall not be less than 20 feet.
- (c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.
- (d) Dead-end alleys shall be prohibited.

(Ord. No. 669, § 3.06.02, 5-17-1994)

Sec. 86-143. - Easements.

- (a) Normally, utility easements across lots or centered on rear or side lot lines will be permitted. Where, due to topography or other circumstances beyond the control of the developer, such easements are deemed by the city council to be necessary to the reasonable development of the property, such easements shall be at least 20 feet wide.
- (b) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, plus 15 on both sides. Further width or construction, or both, as necessary for the purpose of storm drainage facilities shall be required. Parallel street or parkways may be required in connection therewith where necessary for service maintenance and other measures for safety as may be required.
- (c) Other easements may be required for drainage purposes of such size and location as may be determined by the city.
- (d) Where necessary to safety and convenience, pedestrian and service easements shall be provided. Such pedestrian and service easements may include, or be included in, easements required in subsections (a), (b), and (c) of this section.

(Ord. No. 669, § 3.06.03, 5-17-1994)

Sec. 86-144. - Blocks.

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Applicable requirements as to lot sizes and dimensions.
 - (3) Needs for convenient access, circulation, control, and safety of street and pedestrian traffic and fire protection.
 - (4) Limitations and opportunities of topography, with special emphasis on drainage of the proposed subdivision and the possible adverse effects of that drainage on properties nearly or adjoining the subdivision.
- (b) Block lengths should not exceed 2,200 feet, or be less than 400 feet in residential areas, except where special topographical conditions exist.
- (c) Pedestrian crosswalks and bicycle ways, each not less than ten feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(Ord. No. 669, § 3.06.04, 5-17-1994)

Sec. 86-145. - Lots.

- (a) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites in conformance with the development design improvement standards of this subpart B.
- (b) Depth and width of all parcels shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated and the standards of design provided by this subpart B.
- (c) Corner lots for residential use shall have not less than 25 percent extra width, greater than the average of corresponding interior lots of the same block, to permit appropriate building setbacks from and orientation to both streets.
- (d) The subdividing of the land shall be such as to provide by means of a public street, each lot with satisfactory and permanent access to an existing public street, provided that the city council may approve private streets when constructed to the specifications of the public works manual and when adequate provision for initial installation and future private maintenance is made for such streets.
- (e) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A decorative block wall as required by the landscaping provisions of this subpart B shall be provided as specified in subsection (d) of this section.
- (f) Side lot lines shall be substantially at right angles or radial to street lines, and entrance of automobiles from the lot to the street shall be approximately at right angles or radial to street lines.

(Ord. No. 669, § 3.06.05, 5-17-1994)

Sec. 86-146. - Public sites and open spaces.

Where a proposed park, playground, school, or other public use is located in whole or in part in a subdivision, the city council may require the reservation of such area within the subdivision in those cases in which the city council deems such requirements to be reasonable and in the public interest. The city may, in such cases, seek the voluntary dedication by the developer of such areas.

(Ord. No. 669, § 3.06.06, 5-17-1994)

Secs. 86-147—86-180. - Reserved.

ARTICLE VIII. - REQUIRED IMPROVEMENTS

Sec. 86-181. - Monuments.

- (a) Permanent reference markers shall be placed at each corner or change of direction on the boundary lines of the lands being subdivided. All such permanent reference markers shall be located and placed in conformity with F.S. § 177.091(7), and the markers shall meet the standards specified in F.S. § 177.031(15).
- (b) Permanent control points shall be set at such locations in the subdivisions as specified by F.S. § 177.091(8), and by the city. Permanent control points shall meet the standards specified in F.S. § 177.031(13).
- (c) All lot line boundaries shall be monumented as specified in F.A.C. ch. 61G-17.
- (d) The location of all monuments under subsections (a), (b) and (c) of this section shall be indicated on the final plat.

- (e) All original corner markers shall be protected throughout the development. Should such, or any, monuments, iron pipes, or iron pins serving as monuments, fall within pavements, driveways or sidewalks they shall be secured to proposed grades by eight-inch concrete pipes and a cast iron cap for access to the original monument. All monuments must be in place before the developer is released from bond, if a bond has been posted. If no bond is posted, monuments must be in place prior to the approval of the final plat. Any and all land monuments, subject to being disturbed or destroyed in the prosecution of construction, shall be accurately witnessed before construction and replaced at the expense of the developer upon the completion of construction.

(Ord. No. 669, § 3.07.01, 5-17-1994)

Sec. 86-182. - Storm drainage.

- (a) A drainage system shall be designed showing the ultimate disposition of the design storm. All stormwater conveyance systems shall have adequate capacity to carry the runoff resulting from rainfall intensity which maybe expected for a ten-year storm period. Stormwater treatment and disposal facilities shall be designed for a 25-year storm event of 24-hour duration. Such facilities shall meet the design and performance standards established in F.A.C. 17-25.025. The first inch of stormwater runoff shall be treated on-site, pursuant to F.A.C. 17-3.051. Stormwater discharge facilities shall be designed such that the receiving water body shall not be degraded below minimum conditions necessary to ensure the suitability of water for the designated use of its classification as established in F.A.C. ch. 17-3. These standards shall apply to all development and redevelopment. Where there is substantial diversion of water, such diversion shall be accomplished so as to prevent erosion.
- (b) All drainage facilities shall be designed for a positive outfall to existing storm wastewater systems, lakes, canals, rivers, streams, or previously constructed city, county or state road ditches. All water retention areas shall be fenced and shall be screened by appropriate trees or shrubbery.
- (c) If the added runoff from the developed area will, in the judgment of the city, overtax or overload the existing public stormwater system or roadway, then the developer shall include in his plans sufficient work to enlarge the present facilities to care for the added drainage imposed on the system.
- (d) Where land is subject to periodic flooding by the overflow from creeks, rivers, or streams, a floodplain based on a 25-year, 24-hour storm must be established and clearly designated on the final plat. No building will be permitted within the area of the floodplain unless the entire area to be utilized for building is filled to a height of three feet above the floodplain and proposed filling as approved by the South Florida Water Management District (SFWMD).
- (e) Areas to be used for water retention purposes shall be designated as "general purpose areas" on the plat and shall not be shown on the plat in any other way. Such areas shall in no circumstances be given a lot designation in the subdivision. Such areas shall be held in common ownership and maintained by the property owners' association. Such property owners' association shall be provided for in the protective covenants specified in section 86-72, with provisions that provide for maintenance of retention areas and assessment of property owners by the city if the property owners' association fails to adequately maintain such water retention areas. If the city council agrees to accept the dedication of the water retention areas, they shall be deeded as general purpose areas in a given block, as the case may be.
- (f) Drainage facilities and necessary auxiliary improvements such as fencing and screening must be constructed and approved before the developer is released from bond, if a bond has been posted. If no bond is posted, drainage facilities must be constructed and approved by the city before the approval of the final plat.
- (g) Notwithstanding the provisions of this section, compliance with all SFWMD regulations is also required, and the most restrictive condition between SFWMD and city requirements shall be accomplished.

(Ord. No. 669, § 3.07.02, 5-17-1994)

Sec. 86-183. - Clearing and grading rights-of-way.

The developer shall be required to clear all rights-of-way in accordance with the public works manual. The city council may provide that trees need not be removed from the right-of-way, where the preservation of such trees will not hinder the future maintenance of streets, drainage, or be a hazard to vehicular or pedestrian safety. All debris shall be removed from the rights-of-way.

(Ord. No. 669, § 3.07.03, 5-17-1994)

Sec. 86-184. - Bridges and culverts.

- (a) All bridges and culverts shall meet the standards specified by the state department of transportation as contained in Standard Specifications for Road and Bridge Construction.
- (b) Locations of bridges and culverts, with construction data and full specifications, shall be shown in an exhibit, and approval or acceptance of the final plat shall not be accomplished unless such exhibit is transmitted.
- (c) Bridges and culverts must be constructed and approved before the developer is released from bond, if a bond has been posted. If no bond is posted, bridges and culverts must be constructed and approved by the city administrator before the approval of the final plat.

(Ord. No. 669, § 3.07.04, 5-17-1994)

Sec. 86-185. - Wastewater and water.

Standards for installation of water, wastewater and storm wastewater are as follows:

- (1) Installation of any water and wastewater system shall comply with appropriate state regulations and standard specifications provided in the Public Utilities Manual and the Manual of Standards and Design Construction and Maintenance for Water and Wastewater Systems, and shall be installed under the direction and supervision of, and subject to the inspection and approval of, the city. If any defects shall occur in the water or sanitary wastewater facilities within one year from the date of acceptance by the city, such defects shall be remedied and corrected at the developer's expense. The specifications and location of fire hydrants shall be approved by the city.
- (2) All necessary storm drainage facilities, either underground pipe, drainage wells, canals, or drainage ditches, shall be installed to city standards and specifications, and subject to the approval of the city, so as to provide adequate disposal of surface water and to maintain any natural watercourses. In areas where high groundwater exists and it is deemed necessary by the city for the protection of paved streets, underdrains shall be installed. If any defects shall occur in the storm drainage system within one year from the date of acceptance by the city, such defects shall be remedied and corrected at the developer's expense.
- (3) Installations for water, wastewater and storm drainage shall be installed as specified in this subpart B.

(Ord. No. 669, § 3.07.05, 5-17-1994)

Sec. 86-186. - Streets.

- (a) All streets and public ways shall be cleared and graded to their full width of right-of-way and to the established and approved grade as set out in section 86-183. If required to prevent erosion or excessive washing, protective measures shall be taken by the developer as required by the city.

- (b) All streets shall be paved to the minimum applicable standard specified in the public works manual. Curbs and gutters may be required where storm drainage runoff necessitates this form of channelization; where curbs and gutters are not required, pavements edges shall be bonded or otherwise strengthened to ensure against pavement edge breakage.

(Ord. No. 669, § 3.07.06, 5-17-1994)