

CHAPTER FIVE SUBDIVISION REGULATIONS

ARTICLE 5.1: GENERAL PROVISIONS [Article Repealed and New Article Enacted by Amd. Ord. 46-95 9/5/95]

Section 5.1.1 Rule: Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner (or his authorized agent) shall apply for and secure approval of such proposed subdivision in accordance with the provisions of this Article.

Section 5.1.2 Purpose and Intent:

The purpose of this section is to promote the public health, safety, comfort and welfare of the City through the harmonious, orderly and, progressive development of land by insuring:

(A) The establishment of standards for subdivision design which will encourage the development of a sound and economically stable community, and the creation of healthy living environments.

(B) The efficient, adequate and economic supply of infrastructure and services to land developments.

(C) The prevention of traffic hazards and the provision of safe and convenient vehicular and pedestrian traffic circulation in land developments.

(D) The provision of public open spaces in land development for recreational, educational, and community facilities.

(E) Consistency with the policies and goals of the Comprehensive Plan.

(F) Site design respecting unique environmental characteristics of the site, and preservation of such characteristics to the maximum extent possible.

(G) The establishment of standards of design and procedures for plats and replats, to further the orderly layout and use of land, and to insure the proper legal description and monumentation of subdivided land.

(H) Consistency with Florida State Statutes, Chapter 177.

Section 5.1.3 Applicability:

(A) **Plat Required:** A plat is required for the subdivision of any lot, tract or parcel of land; and for the dedication, layout, opening or construction of any street, storm sewer, sanitary sewer, water main, or other facility for public use or for the common use of building occupants. The provisions of this section shall apply to all lands within the incorporated area of the City except as specifically exempted.

Section 5.1.4 Exemptions:

The following are hereby exempt from the platting procedure:

(A) The proposed construction of a new building or structure occupying a previously platted lot in its entirety, to be maintained under a single ownership, or condominium occupied by the owner or lessees holding leases other than a divided land lease or ownership, whereupon no additional right-of-way is required.

(B) A duplex or triplex residence on an existing street, requiring no extension of water and sewer services.

(C) The combination or recombination of portions of platted lots where no additional lots are created and the new lots conform to the development regulations for the applicable zoning district in which the properties are located. A survey of the revised lot layout shall be filed with the City Engineer.

(D) The sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots and does not reduce any lot to an area less than the development regulations for the applicable zoning district, in which the properties are located, and no dedication or improvements are required under this section. A survey of the revised lot layout shall be filed with the City Engineer.

(E) Conveyance of undivided interests in previously platted lots subject to conformance with the development regulations for the applicable zoning district in which the property is located.

(F) Other exemptions may be granted after review and approval by the Development Services Management Group (DSMG).

Section 5.1.5 Compliance With the Comprehensive Plan:

(A) **General:** No land shall be subdivided unless such subdivision and future use thereof shall be consistent with the Future Land Use Map and policies of the Comprehensive Plan.

(B) **Provision of Land for Facilities:** Whenever land which is to be subdivided embraces any part of a designated feature within an Element of the Comprehensive Plan, that feature shall be included in the proposed subdivision. Such features shall include, but not be limited to: streets; parks; conservation sites; sites for public schools; drainage courses; sites for water tanks, lift stations and similar public utility facilities; and easements for water, sewer and drainage devices.

Section 5.1.6 Compliance with Zoning Regulations:

(A) **General:** All subdivisions shall conform with, at least, the minimum zoning regulations applicable to the property being subdivided (i.e. a nonconforming situation cannot be created through the act of subdivision unless a variance to such effect is approved by the Board of Adjustment, or relief granted by the City Commission pursuant to Section 4.3.1(D)) prior to action on a subdivision plat. **[Amd. Ord. 11-00 5/16/00]**

(B) **Unbuildable Sites:** Land which is found unsuited for development due to poor soil qualities, flooding, poor drainage, or other features likely to be harmful to the health, safety, and general welfare of future residents shall not be subdivided as a separate building site, unless adequate methods of correction and mitigation are formulated by the subdivision and guaranteed to be observed. However, such land may be subdivided and identified as a tract of unbuildable land.