

ARTICLE V. SUBDIVISIONS*

***Cross references:** Construction noise limitations, § 34-83; streets and sidewalks, ch. 46; requirements for street, sidewalk or right-of-way resurfacing, § 46-3; traffic and vehicles, ch. 54; utilities, ch. 58; waterways, ch. 62; driveway access requirements, § 64-45; flood damage prevention and protection standards for subdivisions, § 66-20; buildings and building regulations, ch. 67; required improvements for issuance of building permits, etc., for occupancy and uses exempt from the subdivision regulations, § 67-71 et seq.

State law references: Platting, F.S. ch. 177.

Sec. 64-96. Purpose of article.

The purpose of this article is to establish procedures and standards for the development and subdivision of real estate within the town, in an effort to, among other things, ensure proper legal description, identification, monumentation and recording of real estate boundaries; aid in the coordination of land development in the town in accordance with orderly physical patterns; discourage haphazard, premature, uneconomic or scattered land development; ensure safe and convenient traffic control; encourage development of an economically stable and healthful community; ensure adequate utilities; prevent periodic and seasonal flooding by providing protective flood control and drainage systems; provide public open spaces for recreation; ensure land subdivision with installation of adequate and necessary physical improvements; ensure that the citizens and taxpayers of the town will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements; and ensure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.

(Code 1993, § 26-158)

Sec. 64-97. Prerequisites for recording plat; waiver of requirements.

(a) All subdivisions of land within the town must receive master plan and plat approval in conformance with this land development code. No subdivision shall be platted, replatted or recorded or certificate of occupancy issued unless such subdivision conforms to the requirements of this land development code and any applicable law and has been approved by the town commission as provided in this article.

(b) The requirements of section 64-100, pertaining to the plat master plan, and section 64-101, pertaining to construction plans, may be waived, if such information is readily available from a public source, does not adversely affect the ability of the plat to be recorded, and contributes no new information for consideration by the town. Application for relief from the strict requirements of these sections shall be made, in writing, to the town manager, who shall apply the standards and criteria set out in this subsection in deciding if relief may be granted.

(Ord. No. 540, 3-13-2003)

Sec. 64-98. Unsuitable land.

Unless adequate methods of correction are formulated and approved in accordance with the provisions of this land development code, land which is determined to be unsuitable for subdivision due to poor soil quality, flooding or drainage or other features likely to be harmful to the health, safety and general welfare of future residents shall not be subdivided.

(Ord. No. 540, 3-13-2003)

Sec. 64-99. Preapplication conference.

The purpose of the preapplication conference is to allow the developer and the administrative official the opportunity to consult informally prior to the preparation of the master plan and formal application for subdivision master plan and subdivision plat approval. The following items should be discussed at the preapplication conference:

- (1) Site conditions and proposed subdivision layout.
- (2) Existing utilities, general soil characteristics, public facilities and the like.
- (3) Number of lots, typical lot, approximate acreage, natural features such as low or swampy areas, streams, lakes or canals, and identification of adjacent lands.
- (4) Name, telephone number and address of the developer and owner of record.
- (5) Date, north point, streets, zoning classification of the tract and adjacent properties, and the like.

(Code 1993, § 26-161)

Sec. 64-100. Plat master plan.

(a) *Number of copies.* Six copies of the master plan of the proposed subdivision shall be submitted to the administrative official.

(b) *Use of professional services.* The developer shall retain the services of an engineer or surveyor registered in the state to prepare the master plan of the subdivision, and may employ a land planner, landscape architect, architect or other technical or professional services to assist in the physical plotting patterns and site plan. The master plan shall be coordinated with the major utility suppliers involved with providing services to the site.

(c) *Required information.* The master plan, when submitted to the administrative official, shall contain the following:

- (1) The name of the subdivision or identifying title, which shall not duplicate or closely approximate the name of any other subdivision in the incorporated area of the town or the unincorporated area of the county.
- (2) A vicinity sketch showing the location of the tract in reference to other areas of the town.
- (3) North arrow, graphic scale, scale and date.
- (4) The name, address and telephone number of the developer and owner of record, along with the name and address of the engineer and surveyor responsible for the plan, plat and supporting data.
- (5) The location and names of adjacent subdivisions, if any, and plat book and page references.
- (6) The tract boundary, with bearings and distances, along with a written description.

- (7) Topographical conditions on the tract, including all the existing watercourses, drainage ditches and bodies of water, marshes 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 elevation. Existing streets shall be dimensioned to the tract boundary.
 - (9) All existing property lines, easements and rights-of-way, and their purpose and their effect on the property to be subdivided.
 - (10) The location and right-of-way width of all proposed streets, alleys, rights-of-way and easements, and their purpose, along with the proposed layout of the lots and blocks. No lot may be created which does not have frontage on an improved street. No lot may be created which has principal access from an alley or unimproved right-of-way.
 - (11) The incorporation and compatible development of present and future streets as shown on the official map adopted by the town commission, when such present or future streets are affected by the proposed subdivision.
 - (12) Access points to collector and arterial streets showing their compliance to the access requirements established by this land development code.
 - (13) Ground elevations by contour line, at intervals of not more than one foot, based on National Ocean Survey datum or as otherwise determined by the town engineer.
 - (14) All existing drainage district facilities and their ultimate right-of-way requirements as they affect the property to be subdivided.
 - (15) A generalized statement of subsurface conditions on the property, and location and results of tests made to ascertain subsurface soil conditions and groundwater depth.
 - (16) Zoning classification of the tract.
 - (17) Utilities such as telephone, power, water, sewer, gas, etc., on or adjacent to the tract, including existing or proposed water treatment plants and sewage treatment plants. The master plan shall contain a statement that all utilities are available and have been coordinated with all required utilities.
 - (18) Sites proposed for parks, recreational areas and schools, if applicable.
 - (19) The locations of all temporary structures or permanent structures having a temporary use. In addition, master plans or site plans showing permanent structures having a temporary use shall contain a statement outlining the temporary use. Master plans or site plans showing temporary structures or permanent structures having a temporary use shall be reviewed by the administrative official at least six months from the last approval date. A mobile home may be used as a temporary structure if approved by the administrative official as a construction trailer or security trailer during the construction period.
- (d) *Traffic impact analysis.* A subdivision that generates 3,000-vehicle, single-directional trips per day or 250-vehicle, single-directional trips in a one-hour period must submit, along with the master plan, a traffic impact analysis. The traffic impact analysis shall be prepared by a professional engineer and shall be used to determine the number of lanes and capacity of the street system proposed or affected by the development and the phasing of improvements.
- (e) *Stormwater management plan.* A master stormwater management plan outlining the primary and secondary drainage and stormwater treatment facilities needed for the proper development of the subdivision, excluding tertiary facilities, which are required on construction plans, shall be submitted along with the master plan. The master stormwater management plan shall consist of an engineering drawing and a written report indicating the method of drainage, existing water elevations, recurring high water elevations, the proposed design water elevations,

100-year storm elevation, drainage structures, canals and ditches, the stormwater treatment methods, necessary percolation, detention and management areas, and any other pertinent information pertaining to the control and management of stormwater and groundwater. In cases where modification or improvements are neither planned nor required for primary and secondary drainage facilities, this requirement may be accomplished by so indicating on the master plan.

(f) *Master plan approval.*

(1) The administrative official shall inform the developer that the subdivision master plan and data as submitted does or does not meet the provisions of this land development code. The developer shall make all corrections or revisions and resubmit the subdivision master plan and required data to the administrative official if necessary.

(2) Upon approval of the subdivision master plan, the administrative official shall authorize the developer to proceed with the preparation of construction plans and a preliminary plat as required by this article.

(Ord. No. 540, 3-13-2003)

Sec. 64-101. Preparation and submission of construction plans.

(a) Subdivision construction plans shall be submitted for all improvements as required by this section. Plans shall be submitted under separate cover for each of the following, when required:

(1) Paving, grading and drainage.

(2) Bridges.

(3) Water and sewer systems.

(4) Street lighting, landscaping within public rights-of-way, parks, recreational areas and parking areas. Plans for streetlights shall have the approval of the requisite utility authorities involved if provided in the subdivision.

(b) The plans shall be so complete that from them a complete review and analysis can be made without research from any outside area. The plans shall consist of and contain but shall not be limited to:

(1) A cover sheet, including a vicinity sketch.

(2) A plan showing complete details, including water, sewer and storm drainage systems.

(3) In addition to a master stormwater management plan, complete calculations used to design the stormwater system.

(4) Typical sections and summary of quantities.

(5) Construction details showing compliance with town standards or alternate design as approved by the town engineer.

(6) Special profile sheets, if necessary, showing special or unique situations.

(7) Benchmark based on National Ocean Survey datum.

(8) Soil analysis showing the locations and results of test borings of the subsurface condition of the tract to be developed. Where nonpervious soils, commonly called hardpan, are encountered, the plans shall reflect a satisfactory design to cope with such conditions. If the soil analysis reflects that the area contains hardpan or other nonpervious soils, the town engineer shall require such additional design and construction as are necessary to ensure proper drainage and development of the area.

(9) The plans shall contain the special conditions and specifications pertaining to the subdivision in note form on the plan, such as:

- a. Required compliance with this land development code.
- b. Where applicable, required compliance with state standards as currently adopted and in use.
- c. Minimum standards for materials.
- d. Test requirements for stabilization, base and backfill.
- e. Source of water and sewer service.
- f. Required installation of subsurface construction such as water lines, sewer lines, public utilities and storm drainage prior to compaction of subgrade and roadway construction.

(c) The plans shall be prepared, certified and sealed by the developer's engineer. One set of plans for paving and drainage, bridges, water systems, sewer systems and street lighting, if provided; landscaping and parks, if provided; and recreational areas and parking areas shall be submitted to the administrative official for review and approval. Prior to issuance of a land development permit, the plans shall have all applicable approvals of all requisite governmental agencies having jurisdiction over the proposed development. Subdivision projects engineered by more than one firm shall be coordinated by a single engineering firm or an engineer appointed by the developer.

(d) A certified cost estimate shall be prepared by the developer's engineer and shall include the cost of surveying and all required improvements, or the contract bid price may be substituted for the engineer's cost estimate.

(Ord. No. 540, 3-13-2003)

Sec. 64-102. Submission of preliminary plat.

(a) Six prints of the preliminary subdivision plat shall be submitted to the administrative official along with the construction plans, together with a nonrefundable fee payable to the town in an amount established by resolution of the town commission.

(b) Restrictive covenants, condominium documents, property owners' association documents, deeds or other legal documents not related to the survey or engineering design of the project are not required at this stage of subdivision plat approval, and the preliminary plat may be submitted without signatures and seals.

(Code 1993, § 26-164)

Sec. 64-103. Approval of construction plans and preliminary plat.

(a) The administrative official shall review the construction plans and the preliminary subdivision plat as to their conformity with this land development code, and, within 30 days from the date of the submittal of the plans and plat, the administrative official shall inform the developer's engineer that the plans and the preliminary subdivision plat as submitted do or do not meet the provisions of this land development code.

(b) When the administrative official's office finds that the construction plans and preliminary plat as submitted do not meet the provisions of this land development code, the administrative official shall advise the developer's engineer in writing and reference shall be made to the specific article, section and subsection with which the plans and plat do not comply. Upon such

findings, the developer's engineer shall make the corrections or revisions as defined in the written statement and shall resubmit the construction plans and preliminary plat within 60 days from the date of notice. Failure to resubmit the plans and plat within 60 days will require an additional fee not to exceed the amount of the original fee.

(c) When the administrative official's office determines that the construction plans and preliminary plat meet the provisions of this land development code, it shall advise the developer's engineer and furnish a written statement of technical compliance and surety establishment. Upon receipt of the technical compliance statement, the developer's engineer shall submit six sets of construction plans, having the health department's approval, at the time of submission of the final plat.

(d) Technical compliance of the construction plans and preliminary plat 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. Technical compliance of the construction plans and preliminary plat shall not be construed as authority for filing the plat with the clerk of the circuit court of the county, or as authority for the sale of lots in reference thereto.

(e) Prior to completing the requirements of the sections of this article relating to the final plat, building permits shall not be issued for any structure on a lot wherein the final plat has not been recorded in the manner prescribed.

(Ord. No. 540, 3-13-2003)

Sec. 64-104. Preparation of final plat.

(a) The developer shall have prepared and shall submit a final subdivision plat as the final step in the review procedures for subdivision plat approval in the town.

(b) Final subdivision plat approval shall be required prior to the construction of improvements required under this land development code. No such improvements, including streets, drainage and the like, shall be accepted and maintained by the town unless and until the final plat has been approved by the administrative official and the town commission and duly recorded by the clerk of the circuit court, who shall record only those final plats which have been approved by the town commission in accordance with this land development code and submitted for recording by the administrative official.

(c) Upon filing an application for final subdivision plat approval, the developer shall pay a fee of \$250.00 to help defray the cost of administration and processing of the final subdivision plat. In addition to the administration and processing fee, the developer shall pay a fee of one percent of the estimated cost of construction of those improvements required by this article, to defray the cost of administration and inspection of the subdivision development. In order to have the final subdivision plat recorded, a separate check made payable to the clerk of the circuit court of the county shall accompany the final plat, in the amount established by the clerk's office.

(d) Within six months from the date of the written approval of the town of the construction plans and the preliminary subdivision plat, the final subdivision plat shall be prepared and submitted to the administrative official. Failure to submit the final plat within six months shall require reapplication under section 64-101 and section 64-102.

(e) The final plat shall conform to the approved subdivision master plan and shall constitute only that portion of the subdivision master plan which the developer proposes to develop within the next 24 months.

(f) The final subdivision plat shall be drawn or printed on 24-inch by 36-inch linen, chronoflex, mylar or other approved material. The final plat shall be prepared by a land surveyor currently registered in the state, and is to be clearly and legibly drawn with black permanent drawing ink

or veritype process to a scale of not smaller than one inch equals 100 feet, or as otherwise determined by the administrative official. The final plat shall be prepared in accordance with the provisions of F.S. ch. 177, as amended, and shall conform to the following requirements:

(1) *Name of subdivision.* The plat shall have a title or name acceptable to the town. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision. When the plat is an addition to a recorded subdivision, it shall carry the same name as the existing subdivision.

(2) *Title.* The plat shall have a title printed in bold, legible letters containing the name of the subdivision, the name of the town, county and state, and the section, township and range, or land grant, as applicable. If the plat is a replat, amendment or addition to an existing subdivision, it shall include one of the following words: "section," "unit," "replat," "amendment," etc.

(3) *Description.* There shall be lettered or printed upon the plat a full and detailed description of the land embraced in the plat. The description shall show the section, township and range, or land grant, as applicable, in which the lands are situated, and must be so complete that from it, without reference to the map, the starting point can be determined and the boundaries run.

(4) *Index.* If more than one sheet is required for the map, the plat shall contain an index sheet on page 1 showing the entire subdivision on the sheet and indexing the area shown on each succeeding sheet, and each sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines to each sheet.

(5) *Survey data.* The final plat shall show the length of all arcs, together with central angles, radii and points of curvature. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, right-of-way and easement and all other areas shown on the plat, and all areas shall be within the boundary of the plat as shown in the description. The survey data contained on the plat shall also include the following:

- a. The scale, both stated and graphically illustrated, shall be shown on each sheet.
- b. A prominent north arrow shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend.
- c. The point of beginning shall be boldly shown, together with the letters "P.O.B." in bold letters.
- d. All intersecting street right-of-way lines shall be joined by the long chord of a minimum radius of 25 feet, and all dimensions shall be shown.
- e. All adjoining property shall be identified by a subdivision title, plat book and page, or, if unplatted, the land shall be so designated.
- f. Permanent reference monuments shall be shown in the manner prescribed by F.S. ch. 177, as amended, and shall be installed prior to submission of the final plat.
- g. There shall be reserved on each sheet of the plat a three-inch by five-inch space in the upper righthand corner to be used by the clerk of the circuit court for recording information, and each sheet shall reserve three inches on the left margin and a one-half-inch margin on all remaining sides.
- h. The map shall mathematically close within 0.01 feet and shall be accurately

ted to all county township, range and section lines occurring within the subdivision, by distance and bearing. In addition, the initial point in the description shall be accurately tied to the nearest quarter section corner or government corner.

i. The cover sheet or first page of the plat shall show a vicinity sketch showing the subdivision's location in reference to other areas of the county.

(6) *Lot and block identification.* Each lot and block shall be numbered or lettered. All lots shall be numbered or lettered by progressive numbers or letters individually throughout the subdivision or progressively numbered or lettered in each block. Blocks in each incremental plat shall be numbered or lettered consecutively throughout a subdivision.

(7) *Street names.* The plat shall contain the name of each street shown on the plat. Proposed streets which are in alignment with other existing and named streets shall bear the same name as the existing street. In no case, except as indicated in this subsection, shall the name of a proposed street, excluding a numerical system, duplicate or be phonetically similar to existing street names, regardless of the use of the suffix "street," "avenue," "boulevard," "drive," "place," "court," etc.

(8) *Not included parcels.* Not included or excepted parcels must be marked with the words "not a part of this plat." Where a not included parcel is completely surrounded by areas included within the plat, sufficient easements or rights-of-way to provide necessary access, utilities and drainage to the not included parcel shall be provided. No strip or parcel of land shall be reserved by the owner unless the strip or parcel is sufficient in size and area to be of some particular use or service. The intended use of all reserved areas shall be shown on the plat in note form on the cover sheet.

(9) *Rights-of-way and easements.* All rights-of-way and easement widths and dimensions shall be shown on the plat. The plat shall contain a statement that no buildings or structures or trees or shrubs shall be placed on rights-of-way and that no buildings or structures shall be placed on easements.

(10) *Restrictions, reservations and restrictive covenants.* Restrictions pertaining to the type and use of water supply, the type and use of sanitary facilities, the use and benefits of water areas, canals and other open spaces, odd-shaped and substandard parcels, control of building lines, and establishment and maintenance of buffer strips and walls, and restrictions of similar nature shall require the establishment of restrictive covenants, and such covenants shall be noted on the plat. Documents pertaining to restrictive covenants shall be submitted with the final plat.

(11) *Private streets and related facilities.* All streets and their related facilities designed to serve more than one property owner shall be dedicated to the public use; however, private streets shall be permitted within property under single ownership by a property owners' association. Where private streets are permitted, ownership and maintenance association documents shall be submitted with the final plat and the dedication contained on the plat shall clearly dedicate the roads and maintenance responsibility to the association without recourse to the town or other public agency. The rights-of-way and related facilities shall be identified as tracts for road purposes under specific ownership.

(12) *Certification and approvals.* The plat shall contain on the face or first page the following certifications and approvals, acknowledged as required by law, all being in the form prescribed by the town:

a. *Dedications; purpose of reserved areas shown on plat.* All areas reserved for use by the residents of the subdivision shall be so dedicated, and all areas reserved for public use, such as parks, rights-of-way for roads, streets or alleys,

however the rights-of-way may be designated, easements for utilities, rights-of-way and easements for drainage purposes and any other area, however designated, shall be dedicated by the owner of the land at the time the plat is recorded.

b. *Mortgagee's consent and approval.* All mortgages, along with the mortgagee's consent and approval of the dedication, shall be required on all plats where mortgages encumber the land to be platted. The signatures of the mortgagees must be witnessed and the execution must be acknowledged in the same manner as mortgages are required to be witnessed and acknowledged. If the mortgagee is a corporation, the consent and approval shall be signed in behalf of the corporation by the president or vice-president and the secretary or an assistant secretary, respectively, by and with the authority of the board of directors.

c. *Certification of survey.* The plat shall contain the signature, registration number and official seal of the land surveyor certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of F.S. ch. 177, as amended, and this land development code. The certification shall also state that permanent reference monuments (PRM's) have been set in compliance with F.S. ch. 177, as amended, and this land development code, and that permanent control points (PCP's) will be set under the direction and supervision of the surveyor within one year from the date the plat was recorded. When required improvements have been completed prior to the recording of a plat, the certification shall state that PCP's have been set in compliance with the laws of the state and ordinances of the town. When plats are recorded and improvements are to be accomplished under surety posted as provided for by this land development code, the required improvements and surety shall include PCP's.

d. *Town commission approval and signature block; clerk's acknowledgment and signature block.* The plat shall contain the approval and signature block for the town commission and the acknowledgment and signature block of the town clerk. Upon adoption of a resolution approving the plat, the mayor and the town commission shall execute the plat and the plat shall be presented to the clerk of the circuit court by the administrative official for recording.

e. *Administrative official approval and signature block.* The plat shall contain the approval and signature block of the administrative official.

f. *Certification of title.* A title certificate shall be contained on the face or first page of the plat. The title certificate shall state:

1. That the lands as described and shown on the plat are in the name, and apparent record title is held by, the person, persons or organizations executing the dedication;
2. That all taxes have been paid on such lands as required by F.S. § 197.192, as amended; and
3. All mortgages on the land, and indicate their official record book and page number.

The title certification must be an opinion of an attorney at law licensed in the state or the certification of an abstractor or a title insurance company licensed in the state.

g. *Name and address of person preparing instrument.* The name and address of the natural person who prepared the plat shall be contained on the plat as required by F.S. § 695.26, as amended. The name and address shall be in

statement form consisting of the words:

"This instrument was prepared by (name) (address)"

(13) *Existing or recorded streets.* The plat shall show the name, location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, by bearings and distances.

(Ord. No. 540, 3-13-2003)

Sec. 64-105. Final plat submission and approval.

(a) Upon completion of the requirements set out in section 64-104, the final subdivision plat shall be submitted to the administrative official, accompanied by the following:

(1) Six sets of the construction plans, approved for technical compliance and having health department approval.

(2) A statement indicating whether the required improvements are to be constructed prior to recording of the plat or after recording of the plat.

(3) A check payable to the town for \$250.00 plus one percent of the cost of all required improvements.

(4) A check made payable to the clerk of the circuit court of the county for the plat recordation, in the amount established by that office.

(5) A copy of the property owners' association documents which shall provide for the formation of a special taxing district or town approval equivalent for maintenance of common areas and facilities.

(6) If the developer elects to construct required improvements after recording of the plat, the following:

a. A contract executed in triplicate between the town and the developer for the construction of required improvements, in a form approved by the town.

b. Performance guarantees of 110 percent of the amount defined by section 64-106.

(7) If the developer elects to construct the required improvements prior to recording the plat, an agreement executed in triplicate with the town for the construction of required improvements, in a form approved by the town.

(8) Supplementary material designated by the administrative official, when access, drainage or utility service cannot be accomplished through platted right-of-way deeds or easements.

(b) The administrative official shall examine the final subdivision plat as to its compliance with the Constitution and statutes of the state and the ordinances of the town, and shall, in writing, within 30 days of the date of submittal of all required information, report his findings, recommendations or approval to the developer. The written findings of the administrative official shall make specific reference to the specific article, section or requirement with which the final plat does not comply. If the final plat meets the provisions of all applicable rules, regulations, laws and ordinances, the administrative official shall submit the agreement for construction of required improvements and the land development permit to the town commission for approval.

(c) If the developer elects to construct and complete the required improvements prior to the recording of the final plat, the original subdivision plat shall be returned to the developer pending satisfactory completion of the required improvements and shall be resubmitted to the administrative official after completion of the contract for required improvements. Upon

resubmittal of the reproducible final subdivision plat, the certification of title and certification and approvals contained on the plat shall be current and the plat shall be rechecked as required by this article prior to presentation to the town commission for approval.

(d) If the developer elects to record the plat prior to completion of the required improvements under surety guarantees as provided for in this article, the final subdivision plat shall be presented to the town commission by the administrative official with a written report, and, upon approval of the town commission, the plat shall be recorded in the office of the clerk of the circuit court.

(Code 1993, § 26-167)

Sec. 64-106. Final plat recording.

No plat shall be recorded until the developer has installed the required improvements or has guaranteed to the satisfaction of the town that such improvements will be installed as follows:

(1) *Completion of required improvements prior to final plat recording.* If the developer exercises the right to construct and complete required improvements prior to recording of the final plat, the town shall have the right of entry upon the property to be platted for the purpose of reviewing the construction of the required improvements during the progress of such construction. The developer shall coordinate the construction with the administrative official. When the required improvements are complete, the final plat, along with the records and data as prescribed in this article, shall be submitted by the developer to the administrative official as provided for in this article. When all requirements of this land development code have been complied with, the plat and a report shall be presented to the town commission by the administrative official, not later than 30 days after receipt of the completion certificate, for its review and approval. Upon such approval, the plat shall be filed in the office of the clerk of the circuit court.

(2) *Completion of required improvements after plat recordation.* When the developer desires to record the plat in lieu of prior construction of required improvements, the developer shall file with the town documents guaranteeing that such improvements shall be installed. All agreements, guarantees and documents are subject to the approval of the town attorney. The guarantee shall be in one of the following forms unless an alternate irrevocable form is approved in writing by the town commission:

a. *Cash deposit.* The developer shall deposit with the town, or place in an account subject to the control of the town, cash in an amount equal to 110 percent of the total cost of surveying and construction for the installation and completion of the required improvements. The developer shall be entitled to secure draws from such deposits or accounts as installations progress at stages of construction established by the administrative official, but not more frequently than monthly. A draw from such cash deposit or account shall be made only when the costs of required improvements installed equal or exceed the amount of the draw requested, plus any previous draws made, and the administrative official has reviewed the required improvements and authorized the draw. The administrative official shall have the right to reduce the amount justified, based on his review of the required improvements. The administrative official shall also have the right to refuse to approve any requested draw, so long as the developer fails to be in compliance with any of the terms and conditions of the plat or plans and specifications for the required improvements. The developer shall be entitled to receive all interest earned on such deposit or account. The town, after 60 days' written notice to the developer, shall have the right to use such cash deposit or account to secure satisfactory completion of the required improvements in the event of default by the developer or failure of the developer to complete such

improvements within the time required by this land development code.

b. *Personal bond with letter of credit.* The developer may furnish to the town his personal bond secured by an unconditional and irrevocable letter of credit in an amount equal to 110 percent of the total cost of surveying and construction for the installation and completion of the required improvements. The expiration date of the letter of credit shall be at least three months after the expiration date of the contracts. The letter of credit shall be issued to the town by a state or United States banking institution. Such letter of credit shall be in the form prescribed by the town. Semiannually during the process of construction and upon request by the developer, the administrative official may recommend to the town commission, for its approval, reduction in the dollar amount of the bond on the basis of work completed; provided, however, sufficient funds shall remain to complete the required improvements. The town, after 60 days' written notice to the developer, shall have the right to use any funds resulting from drafts on the letter of credit to secure satisfactory completion of the required improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by this land development code.

c. *Surety bond.* The developer may furnish the town a surety bond obtained from a company having a Best's rating of AAA, guaranteeing that, within the time required by this land development code, all work required will be completed in full accordance with the plat and all conditions attached thereto, copies of which shall be attached to and constitute a part of the bonded agreement. Such bond shall be in an amount equal to 110 percent of the total cost of surveying and construction for the installation and completion of all required improvements. Semiannually, during the process of construction and upon request by the developer, the administrative official may recommend to the town commission, for its approval, reduction in the dollar amount of the bond on the basis of work completed; provided, however, sufficient funds shall remain to complete the required improvements. The town, after 60 days' written notice to the developer, shall call on the bond to ensure satisfactory completion of the required improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by this land development code.

(Ord. No. 540, 3-13-2003)

Sec. 64-107. Development permit.

A development permit shall be required prior to commencement of construction of required improvements as part of the development of a subdivision within the town. The development permit shall be approved by the town commission in conjunction with approval of the agreement for construction of required improvements.

(Ord. No. 540, 3-13-2003)

Sec. 64-108. Subdivision improvements.

(a) *Required improvements.* The following improvements are required in conjunction with the development of a subdivision within the incorporated area of the town. The required improvements shall be completed prior to recordation of the plat in the manner prescribed in this land development code, or the developer shall file with the town a guarantee in one of the forms prescribed by this land development code to ensure the installation of the required improvements.

(1) *Alleys.* Alleys are permitted in residential subdivisions. An alley may not be the principal access to a lot.

(2) *Bridges and culverts.* Where a subdivision is traversed by or develops canals, watercourses, lakes, streams, waterways or channels, bridges or culverts shall be provided as necessary to facilitate the proposed street system. The bridge or culvert requirement is subject to the agency having jurisdiction over such facilities as required by the proposed street layout of the development in conjunction with a proposed waterway.

(3) *Clearing; grading; filling.* The subdivision shall be graded and, where necessary, filled to comply with the drainage design prescribed in the design requirements set out in article 5 of this chapter. Developers shall be required to clear all rights-of-way and to make all grades for streets, alleys, lots and other areas compatible for drainage as prescribed in the drainage design. The type of fill within the rights-of-way shall be satisfactory to and meet with the approval of the administrative official, who shall require soil tests of the backfill and the underlying material at the cost of the developer to certify the type of material and method of placement. In the interest of the preservation of existing trees and other natural beauty, the administrative official may vary the requirements of this subsection where aesthetic and environmental conditions will be enhanced but will not affect proper drainage of the area.

(4) *Drainage.*

a. *System.* An adequate drainage system, including necessary ditches, canals, swales, percolation areas, detention ponds, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts, bridges and other appurtenances, shall be required in all subdivisions for the positive drainage of stormwater and groundwater. The drainage system shall also provide for surface waters affecting the subdivision.

b. *Stormwater treatment.* Stormwater treatment facilities shall be required in the subdivision to control stormwater quality by providing for onsite percolation or detention or any other appropriate treatment technique for stormwater.

(5) *Fire hydrants.* Fire hydrants shall be provided in all residential subdivisions.

(6) *Monuments.* Monuments shall be set as prescribed by F.S. ch. 177, as amended.

(7) *Permanent control points (PCP's).* Permanent control points shall be provided in accordance with F.S. ch. 177, as amended. Where required improvements are constructed prior to the recordation of the plat, the permanent control points shall be set prior to submission of the final plat and certified by the surveyor on the plat. Where required improvements are constructed after recordation, the guarantee for such improvements shall incorporate placement of permanent control points and the surveyor's certificates shall indicate that permanent control points will be set within one year from the date of recording of the plat under surety posted with the town of the required improvements.

(8) *Sanitary sewage system.* A complete sewage collection treatment and disposal system shall be provided for all subdivisions. If individual sewer facilities are allowed under requisite state, county and town regulations, the developer shall be required to deposit in escrow with the town, for the purpose of constructing a sewage collection system, the amount of cash or a guarantee acceptable to the town equal to 110 percent of the sewage collection system's estimated construction and installation cost. The entire sewage collection system and treatment plant must be engineered and coordinated with the town.

(9) *Streets.* All streets and related facilities required to serve the proposed subdivision

shall consist of but not be limited to street grading, base preparation and surface course, along with drainage as required under this land development code.

(10) *Street markers.* Street markers shall be provided at each intersection in the type, size and location required by the current town standards. Street name signs shall carry the street name approved on the subdivision plat.

(11) *Street lighting.* Street lighting may be installed in residential subdivisions, but is not a mandatory requirement. A contract shall be negotiated between the developer and the franchised utility for the ownership, operation and maintenance of the system. The developer shall place deed restrictions covering the property to be developed which state that the owners of property within the subdivision are subject to assessment by a property owners' association for the cost of maintenance and operation of such streetlights. Upon completion of the development, the streetlights shall be owned, operated and maintained by a property owners' association or the franchised utility.

(12) *Central water system.* A complete water distribution and treatment system shall be provided for all subdivisions. If individual water facilities are allowed under requisite state, county and town regulations, the developer shall be required to deposit in escrow with the town, for the purpose of constructing a water distribution and treatment system, the amount of the cash or a guarantee acceptable to the town equal to 110 percent of the system's estimated construction and installation costs. The entire system must be engineered and coordinated with the town.

(13) *Traffic control devices.* The developer shall install traffic control devices including, but not limited to, traffic lights, on roads within and interfacing with the subdivision. A traffic impact analysis meeting the approval of the administrative official shall determine the traffic light requirements.

(14) *Pavement or lane delineators.* Pavement or lane delineators meeting the requirements of the county and the town shall be installed on all arterial streets. Upon approval by the administrative official of sufficient lighting, pavement or lane delineators shall not be required.

(b) *Design requirements.* The design of the required subdivision improvements shall be in accordance with acceptable engineering principles. Design data, such as calculations and analyses, shall be submitted along with the development plans, covering important features affecting design and important features of construction. Such calculations and analyses shall include, but not be limited to, high water, drainage facilities of all kinds, subsurface soil data, alternate pavement and subgrade types, and radii at intersections when minimum standards of the American Association of State Highway and Transportation officials are inadequate. Should the developer elect to provide improvements in excess of the minimum requirements, such improvements shall be considered on an individual basis. The design of required improvements shall be accomplished in such a manner that they shall be equal to or exceed current town standards and the following:

(1) *Access.*

a. Points of access to lots developed within a subdivision shall be from an improved street and shall be located a minimum of 30 feet from the intersecting right-of-way lines on local streets and 180 feet from intersecting right-of-way lines on all other streets of higher classification as defined in this land development code.

b. Access to multiple-family units may be via parking lots or driveways designated on the subdivision plat as access or parking tracts.

c. The subdivision shall be designated to permit access to the lots by the use of local streets which shall have connections to collector streets and be limited to a location from the side property lines of the parcel of a distance equal to 25

percent of the street frontage on the collector but no more than one such connection every 150 feet.

d. Where double-frontage lots are created adjacent to a collector or arterial street, they shall front on any local street and the rear of the lot shall be the side which abuts the collector or arterial street; the lots may be buffered as required by this land development code.

(2) *Alleys*. When required, alleys shall be paved ten feet wide in a minimum 12-foot right-of-way for residential use. Alleys shall have inverted crowns with three-eighths of an inch per foot traversed slope. The alley grade shall not exceed five percent or be less than 0.3 percent unless otherwise approved by the administrative official. Alley intersections and sharp changes in alignment shall be avoided, and dead-end alleys are prohibited.

(3) *Blocks*. The length, width and shape of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b. Zoning requirements as to lot size and dimensions.
- c. Need for convenient access, circulation and control and safety of vehicular and pedestrian traffic.
- d. Limitations and opportunities of topography.

Block lengths shall not exceed 1,320 feet between intersecting streets except where special topographical conditions exist. Greater lengths may be approved by the administrative official. In blocks 900 feet in length or longer, crosswalks between streets not less than eight feet wide may be required where deemed essential to provide safe and efficient circulation or access.

(4) *Bridges*. Bridges shall be designed in general accord with the current department of transportation practices and shall include planning for utility installation, shall be constructed of reinforced concrete, and shall provide four-foot-wide sidewalks on each side.

(5) *Drainage*.

a. *System*.

1. All subdivisions shall have comprehensive storm drainage facilities which convey stormwaters through easements to drainage canals or natural watercourses.
2. The design data of the drainage system shall be submitted along with the construction plans in a report form prepared by the developer's engineer indicating the method of control of stormwater and groundwater, including the method of drainage, existing water elevations, recurring high-water elevations, proposed design water elevations, drainage structures, canals, ditches and any other pertinent information pertaining to the system.
3. The drainage system shall be designed using acceptable engineering principles with consideration being given to the protection of all future buildings from a one-in-100-years storm. In addition, the system shall provide for the necessary maintenance of groundwater levels to prevent overdrainage for the intended land use.
4. The storm sewers shall be designed for rainstorms of maximum intensity predicted for the county area at three-year intervals according to

current department of transportation charts and data. The system shall provide for drainage of lots, streets, roads and other public areas, including surface water which drains into or through the property.

5. The design for drainage of the subdivision must be adequate to provide for surface water drainage of adjacent contributory areas. Where additional ditches and canals are required to accommodate contributory surface waters, right-of-way shall be provided for future needs; however, the developer may be permitted to excavate or open sufficient capacity to provide for existing drainage needs whenever the developed or undeveloped status of adjacent areas so warrants as determined by the administrative official. The runoff coefficients used in the design of the subdivision shall be those applicable after complete development has occurred and shall be calculated on sample areas of each type of ultimate use.

6. The drainage system shall be designed for long life, low maintenance cost and ease of maintenance by normal maintenance methods. The minimum pipe used within a storm sewer system shall be 15 inches in diameter. Distances between terminating or intermediate structures shall not exceed those required by state standards for the construction of maintenance inlets or manholes. Minimum grades for swale sections shall be 0.003 foot per foot. The storm sewer systems shall be so designed that the elevation of the hydraulic gradient is never higher than the grate elevation of any inlet in the system. The pipe shall be sloped and structures channeled to develop sufficient scouring to minimize sediment. The pipe used in the system shall be reinforced concrete or metal meeting ASTM, AASHTO and current department of transportation specifications. Concrete pipe shall have gasket joints meeting the requirements of AASHTO. When metal pipe is used beneath the pavement or parallel within the right-of-way, it shall be designed to provide a jointfree installation, or, where jointfree installations are not feasible, shall be joined with a 12-inch-wide band having a mastic or neoprene gasket providing a watertight joint. Other jointing techniques meeting or exceeding these requirements may be used upon submittal to and approval by the administrative official. Drainage pipe shall be fitted with headwalls, endwalls, inlets and other appropriate terminating and intermediate structures. Structure design shall meet or exceed town standards.

b. *Stormwater treatment.*

1. Rainfall runoff, surface water and groundwater shall be managed in subdivisions to minimize degradation of water quality, nutrients, turbidity, debris and other harmful substances, and maximize percolation and detention to promote the reuse of this resource. Stormwater treatment facilities shall be designed, sized and performance-evaluated to accommodate a three-year storm as a minimum requirement. Runoff from roads, parking lots, roofs and other impervious surfaces should be directed over areas where percolation into the soil can be accomplished prior to introduction into any storm sewer or other receiving facilities. Pervious areas should be covered with vegetation requiring periodic cutting and removal.

2. The maximum recommended runoff flow distance over impervious surfaces before being diverted to percolation areas should be 50 feet, excluding building roofs, sports fields, roadway gutters and storm sewers.

3. Runoff which must be carried directly into the closed storm sewer system without previously crossing percolation areas should be discharged to percolation areas prior to conveyance to onsite bodies of water or offsite receiving waters in order to promote detention, deposition of silt and other particulates and the removal of nutrients or other undesirable constituents in the water prior to discharge from the subdivision. Water storage and detention capabilities of onsite bodies of water shall be governed by the discharge limitations of the requisite drainage district or of the town.

4. Temporary ponding is allowable in areas specifically designed with high percolation rates so that ponding does not last more than eight hours.

5. Swales may be used in lieu of storm sewers to convey and collect surface waters. Minimum swale grade shall be 0.003 foot per foot, and maximum swale grade shall be limited to that grade which will produce water velocities below the threshold of erosion. The side slopes on swale sections shall not be steeper than 4:1, and the swale may occupy all of a water management tract.

6. All major treatment facilities such as swales, lakes, canals and other detention areas used for stormwater management prior to discharge from development shall be placed in water management tracts shown on the plat and dedicated to the entity responsible for their maintenance. All water management tracts shall include, where necessary, a 20-foot maintenance berm with a side slope not steeper than 8:1.

7. Alternate treatment methods or facilities which in the opinion of the administrative official are equal or superior to the requirements set out in this subsection may be approved. Application for such approvals shall be accompanied by written data, calculations and analyses which show by accepted engineering principles that the alternate treatment methods or facilities are equal or superior to those specified.

c. *Other standards.* The subdivision drainage system shall meet all applicable South Florida Water Management District permitting requirements and standards.

(6) *Easements.*

a. *Utility easements.* Utility easements 12 feet wide shall be provided where necessary to accommodate all required utilities across lots, and where possible shall be centered on lot lines with convenient access for maintenance. Where possible, utility easements ten feet wide should be provided for underground utilities across that portion of the lot adjacent to a street. Additional utility easements may be required by the town when, in the opinion of the administrative official, such easements are necessary for continuity of utility service between developments and where necessary for maintenance and service. Utility easements and drainage easements shall not be combined, if possible. Where crossings occur, drainage easements shall take precedence.

b. *Drainage easements.* Drainage easements shall be provided where necessary at a width adequate to accommodate the drainage facilities. A minimum of 12 feet shall be provided for underground storm drainage installations, and, where canals or ditches are permitted, the width shall be adequate to accommodate drainage facilities plus 20 feet on one side for maintenance purposes; however, the width shall not exceed 60 feet. Where the

width of canals or ditches exceeds 60 feet in order to accommodate adequate drainage facilities, the ditch or canal shall be acceptable to and placed under the control of the drainage district having jurisdiction in the area. Drainage easements shall be provided to facilitate surface waters from contributory areas. When a subdivision is traversed by or develops canals, watercourses, lakes, streams, drainageways or channels, there shall be provided a drainage easement or right-of-way conforming substantially with the lines of such watercourse and of such other width or construction or both as will be adequate for the purpose.

(7) *Lots.*

a. All lots shall have frontage on an improved street which has a minimum right-of-way of 50 feet. No lot may be created which has principal access from an alley or unimproved right-of-way. All lots shall have the area, frontage, width and depth required by the prevailing or approved zoning district within which such lots are located. When a subdivision is proposed upon land with existing structures that are proposed to be retained, lots are to be designed so as not to cause the existing structures to become nonconforming with respect to building area or lot size. When lots are platted abutting a collector or arterial street, access shall be limited to local streets. No access from individual lots shall be permitted directly to collector or arterial streets. Double-frontage lots or through lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. Where double-frontage lots are developed they shall be buffered as required by this land development code.

b. Corner lot lines at intersecting right-of-way lines shall be the long chord of a 25-foot radius or of a greater radius where deemed necessary. The corner lots shall be designed to facilitate a safe intersection with respect to a sight distance, and a restriction shall be placed on the lot and defined on the plat prohibiting construction or plantings over three feet high within the sight plan established in the design of the lot or adjacent street based on the crown elevation of the street.

(8) *Seawalls, bulkheads, piers and docks.* Seawalls, bulkheads, piers and docks installed along access waterways shall be installed under permit issued by the town, provided that all other permits from other governmental agencies have been acquired and are on file in the town records. Seawalls and bulkheads shall be constructed with the waterside face being on the property line.

(9) *Soils.* The plan shall show the location and results of test borings of the subsurface condition of the tract to be developed. When nonpervious soils (hardpan or other nonpervious soils) or unstable soils (peat, muck, etc.) are encountered, the plan shall reflect a satisfactory design to cope with such conditions. If the soil analysis reflects that the area contains hardpan or other nonpervious soils or contains peat, muck or other unstable materials, the administrative official shall require such additional design and construction as are necessary to ensure proper drainage and development of the area. Test locations shall be mutually determined by the developer's engineer and the administrative official and shall be recorded as to location and result on the construction plans.

(10) *Streets.* The proposed subdivision street layout shall be coordinated with the street system of the surrounding area, and consideration shall be given to existing and planned streets, to relation to topographical conditions, to public convenience and safety and to their appropriate relation to the proposed use of the land to be served by such streets. The arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas not subdivided and for the proper projection of streets. When a new subdivision adjoins unsubdivided land, then the new street, where

necessary, shall be carried to the boundary of the tract proposed to be subdivided to promote reasonable development of adjacent lands and provide continuity of street systems. Local streets, when extended to the boundary of the tract, shall be designed in a manner that will discourage through traffic. The new subdivision shall provide for the incorporation and compatible development of present and future streets as shown on the official map adopted by the town commission, when such present or future streets are affected by the proposed subdivision.

a. *Traffic analysis.* A subdivision that will generate 3,000 one-directional vehicle trips per day or 250 one-directional vehicle trips in a one-hour period must submit, along with the master plan, a traffic impact analysis. The traffic impact analysis shall be prepared by a professional engineer and shall be used to determine the number of lanes, the capacity of street systems proposed or affected by the development, and the phasing of improvements. When a subdivision will not generate sufficient one-directional vehicle trips per day to warrant a traffic impact analysis, an intersection analysis must be submitted along with the master plan.

a. *Street right-of-way width.* Street minimum right-of-way widths shall be as follows:

TABLE INSET:

Street Type	Right-of-Way Width (feet)
Arterial	120
Collector	80
Local with mountable curb	50
Local with swales	60

b. *Street pavement widths.* Street pavement widths shall be as follows:

TABLE INSET:

Street Type	Paving Width
Arterial	Four 12-foot lanes with turning lanes and, when required, median
Collector	Two or more 12-foot lanes with turning lanes, median optional
Local	Two ten-foot lanes

c. *Dead-end streets.* Dead-end streets shall be prohibited except when designed as a cul-de-sac.

d. *Construction in muck or clay areas.* When streets or alleys are to be constructed in muck areas, the muck or peat shall be completely removed from the centerline ten feet beyond the edge of the pavement on each side. When gumbo or other plastic clays are encountered, they shall be removed within the roadway area one foot below the subgrade extending horizontally to the outside edge of the shoulder area. The design of streets proposed in excessive muck areas shall be considered on an individual basis.

e. *Materials.* Streets shall include a subgrade, base and wearing surface in accordance with current town standards. Local streets may be paved with either 1 1/2 inches of type II asphaltic concrete surface course on an acceptable base with a compacted subgrade or surface treatment slag pavement on an acceptable base with a stabilized subgrade producing a 50-pound Florida bearing value. All other streets of higher classification shall be paved with either 1 3/4 inches of type II asphaltic concrete surface course, or surface treatment slag pavement, all on an acceptable base with a stabilized subgrade producing a

75-pound Florida bearing value. Acceptable base material shall be limerock or approved local shell having an eight-inch compacted thickness or the equivalent of sand asphalt plant mix meeting state standards. An alternate of type I asphaltic concrete may be used and shall be 1 1/4 inches thick on local streets and 1 1/2 inches thick on all streets of higher classification.

f. *Alternate types of pavement, base and subgrade.* Alternate types of pavement, base and subgrade which in the opinion of the administrative official are equal or superior to those specified in this section may be approved. Application for such approval shall be accompanied by written data, calculations and analyses which show by accepted engineering principles that the alternate types are equal or superior to those specified.

g. *Stabilized shoulders.* Stabilized shoulders eight feet wide shall be provided for distress lanes unless paved lanes are provided. The shoulder shall consist of a six-inch layer of soil having a minimum of 50 psi for streets of higher classification. Where sod is desired, it shall be installed prior to acceptance of the subdivision or six inches of stabilization may be left two inches below finished grade. No time extensions will be granted on the basis of incomplete stabilized shoulders.

h. *Street grades.* Street grades shall be determined in relation to the drainage installations for the subdivision. Street grades shall not exceed 2.5 percent unless adequate protection for erosion is provided or be less than 0.3 percent for swale sections or 0.2 percent for guttered sections unless otherwise approved by the administrative official. Road grades shall be shown on the development plans by the direction, percent of fall and with a centerline lineal distance between control points.

i. *Swale and swale grades.* Swales within the right-of-way shall not exceed those grades shown in the current town standards. Runoff may be accumulated and carried in the swales located in the right-of-way along streets in accordance with the maximum flood lines shown in the current town standards. Water in excess of these quantities shall not be carried in the street swale or gutter in the right-of-way, but shall instead be diverted therefrom and carried away in storm facilities.

j. *Street jogs prohibited.* Local street jogs with centerline offsets of less than 125 feet are prohibited.

k. *Local streets.* Local streets shall be so laid out that their use by through traffic shall be discouraged.

l. *Half streets.* Half or partial streets shall not be permitted except where essential to the reasonable subdivision of a tract in conformance with the thoroughfare plan and this land development code, and where, in addition, satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street may be required to be dedicated and constructed within such tract. A proposed subdivision that adjoins or includes an existing street which does not conform to the minimum right-of-way requirements of this land development code shall provide for the dedication of additional right-of-way along either one or both sides of the street so that the minimum right-of-way requirements of this land development code can be established.

m. *Limited access strips.* Limited access strips controlling access to streets shall be prohibited except where their control is placed with the town.

n. *Street names.* Proposed streets which are in alignment with other existing

and named streets shall bear the same name as the existing street. All street names shall have a suffix, and in no case, except as indicated in this subsection, shall the name of the proposed street duplicate or be phonetically similar to existing street names, regardless of the use of the suffix "street," "avenue," "boulevard," "drive," "place," "court," etc.

o. *Alignment; tangents; deflection; radii.* Streets shall be laid out to intersect as nearly as possible at right angles. Multiple intersections involving the junction of more than two streets shall be prohibited. The point of curvature of any local street shall not be closer than 100 feet to a curve at any intersection. All intersections shall be designed to provide adequate stopping and sight distance in accordance with the current edition of AASHTO standards. When the centerline of a local street deflects by more than ten degrees, it shall be curved with a radius adequate to ensure safe sight distance and driver comfort. Property lines at street intersections shall be the long chord of a 25-foot or greater radius, and street pavement radii shall be a minimum of 30 feet and designed to facilitate the intended use.

p. *Street markers.* One street marker of standard design as prescribed by current town standards shall be provided at each intersection. A street sign shall be placed at a point eight feet from the edge of the pavement on a radial line that bisects the intersection radius curve.

q. *Street lighting.* Streetlights may be installed on all local and collector streets, at each intersection, at the end of culs-de-sac, and wherever, in the opinion of the administrative official, a dangerous condition is created by sharp curves or irregularities in street alignment. Between intersections, streetlights shall be installed and may be engineered for security purposes only. Streetlights shall be wired for underground service except where aerial service is permitted by subsection (b)(12) of this section.

(11) *Bicycle/pedestrian paths.* Bicycle/pedestrian paths shall be eight feet wide. In driveway areas, the surface, base and subgrade requirements of subsection (b)(10)f. of this section shall be met. In other areas, one-inch type II asphaltic concrete on a four-inch-thick compacted base of locally approved limerock or shell shall be used. When bicycle/pedestrian paths are not located within road rights-of-way, the base shall extend six inches from each side of the surface and muck shall be completely removed below the base. Three-quarters-inch-thick type I asphaltic concrete may also be used. The cross slope shall be one-quarter inch per foot.

(12) *Utilities.*

a. *Underground installation required; exceptions.* Utilities, including franchised utilities, power and light, telephone and telegraph, water, sewer, cable television, wiring to streetlights and gas, shall be installed underground. This subsection (12) shall apply to all cables, conduits or wires forming parts of an electrical distribution system, including service lines to individual properties and main distribution feeder electrical lines delivering power to local distribution systems, provided that it shall not apply to wires, conduits or associated apparatus and supporting structures the function of which is the transmission or distribution of electrical energy between subdivisions, generating stations, substations and transmission lines of other utility systems, or perimeter lines located adjacent to the subdivision. Appurtenances such as transformer boxes, pedestal-mounted terminal boxes, meter cabinets, service terminals, telephone splice closures, pedestal-type telephone terminals or other similar "on the ground" facilities normally used with and as a part of the underground distribution system may be placed above ground, but shall be located so as not to constitute a traffic hazard. Easements shall be coordinated with requisite utility authorities and shall be

provided as prescribed by this land development code for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations.

b. *Installation to be completed prior to paving streets.* After the subgrade for a street has been completed and the remainder of the street right-of-way has been graded, and before any material is applied, all underground work for the water mains, sanitary sewers, storm sewers, gas mains and telephone and electrical power conduits and appurtenances and any other utility shall be installed completely through the width of the street to the sidewalk area, or provisions made so that the roadway or right-of-way will not be disturbed for utility installation. All underground improvements installed for the purpose of future service connections shall be properly capped and backfilled.

(13) *Median strips and entranceways.*

a. *Median strips.* Median strips which are part of a dedicated or deeded right-of-way may not be utilized for any purpose other than by the town or a public utility. If a developer desires to beautify a median strip in a subdivision, he may do so by placing grass and shrubs of small root structure within the median strip under permit issued by the administrative official after submission and approval of landscaping plans.

b. *Subdivision entranceways.* Subdivision entranceways consisting of walls, fences, gates, rock piles or the like are not permitted within the median strip or other areas in a dedicated or deeded right-of-way. Decorative entranceways must be constructed upon plots of land adjacent to a right-of-way in compliance with the zoning, sign, landscape and building codes and placed so as not to constitute a traffic hazard. A guardhouse, located so as not to create a traffic hazard, may be constructed at the entrance to a development having private streets.

(14) *Fire hydrants for residential subdivisions.*

a. In one- and two-story subdivisions with not more than ten dwelling units per acre, fire hydrants shall be spaced no greater than 500 feet apart and not more than 250 feet from the center of any lot in the subdivision, and shall be connected to mains no less than eight inches in diameter.

b. The systems shall provide capability for fire flow of at least 750 gallons per minute in addition to maximum day domestic requirements at residual pressures of not less than 20 pounds per square inch. The system shall have the capability of sufficient storage or emergency pumping facilities to such an extent that the minimum fire flow will be maintained for at least four hours or in accordance with the current recommendations of the insurance services office, whichever is greater. Charges made for the use of the fire hydrant or water consumed therefrom when a fire protection authority uses the fire hydrant in the performance of its official duty shall be as regulated by the public service commission or other governmental agency with applicable jurisdiction.

(15) *Central water system.* The design of a central water system shall conform to the acceptable standards of sound practices for municipal water supply and fire protection systems. The system shall be designed to provide maximum day domestic requirements at residual pressures of not less than 20 pounds per square inch in addition to fire flows of at least 500 gallons per minute in a residential subdivision and at least 1,500 gallons per minute in institutional and multiple-family residential areas. The system shall be designed with minimum six-inch mains. Water mains shall be required on all streets and shall be looped. Sufficient storage or emergency pumping facilities shall be provided for at least one day's consumption and to such an extent that the minimum fire flow will be

maintained for at least four hours, or as may be required by the town's fire insurance underwriters, whichever is greater. Materials used shall be acceptable to the administrative official. The distribution system shall provide connections to each individual lot not shown in the subdivision, to each public facility and where median strips are developed. The appurtenances to the system shall be equal to or exceed those required by current town standards. Plans for the system shall be fully approved by all requisite state and county authorities.

(16) *Individual water systems.* Except as otherwise specified, all lots shall be served by a central water system. When a central water system is not provided or available, the lots shall be so designed as to facilitate individual water systems so that a well can be located in a manner that it will not be nearer than 75 feet from any source of pollution, including but not limited to septic tanks, drainfields, sewer lines or other polluted bodies of water. Where individual water systems are proposed, the area shall have the prior approval of all requisite state and county authorities. Where individual water facilities are prohibited, a central water system shall be provided. The town reserves the right to require installation of onsite central water system improvements for future connection to the town's central water system at the time individual water wells are approved if municipal water service is planned for the area within five years of the date of the request for an individual water well permit.

(17) *Central sewage system.* The sanitary sewage system shall be designed by a professional engineer registered in the state, and shall conform to acceptable standards of sound practices for sewage collection systems and shall conform to all requirements of state and county authorities. The entire sewage collection system must be engineered and coordinated with the town's overall plan. The appurtenances to the system shall be equal to or shall exceed the minimum requirements of the current town standards. Upon submittal of construction plans for a central sewage system as prescribed by this land development code, the design engineer shall supply data, calculations and analyses showing important features affecting design including, but not limited to:

- a. The number of units to be built.
- b. The character of units and expected population or estimated flow of sewage from any unit designed for use other than domestic.
- c. A flow chart indicating the number of proposed connections to the system and the anticipated flow of sewage to the sewer plant.
- d. Any other meaningful information necessary to arrive at estimates of amounts and character of sewage pertinent to the design.

(18) *Individual sewage systems.* Except as otherwise specified, all lots shall be served by central sewage treatment facilities. When a central sewage treatment system is not provided or available, the lots shall be so designed as to allow individual sewage systems consisting of pipes, tanks or treatment devices and subsurface absorption fields or other devices, which shall meet the requirements of this land development code, the requirements of all requisite state and county authorities and all other applicable laws of the state and ordinances of the town. Where individual sewage systems are permitted that require an absorption field, the lot shall be designed, sized and developed to facilitate:

- a. A convenient and economical connection to a future central sewage system.
- b. The installation of the tank and absorption area to meet the requirements of all requisite state and county authorities.
- c. The location of the system (tank and absorption field) not less than 75 feet from any individual water supply well and not less than 100 feet from any public water supply well.

- d. The location of the system not less than five feet from any building, not less than five feet from any property line and not less than ten feet from water supply pipelines.
- e. The location of the system not less than 50 feet from the recurring high-water line of lakes, streams, canals or other waters.
- f. The installation of the system in areas having acceptable soil classifications and percolation tests meeting the requirements of the Florida Administrative Code.

The town reserves the right to require installation of on-site central sewer system improvements for future connection to the town's central sewer system at the time individual sewage systems or septic tanks are approved if municipal sewage treatment is planned for the area within five years of the date of the request for an individual sewage system or septic tank permit.

(19) *Water and sewage treatment and processing plants.* Construction plans and specifications for both water and sewage treatment and processing plants to serve a proposed subdivision shall be coordinated with the administrative official's office. Such plant design shall incorporate the concept of modular construction such that additional treatment units can be constructed as demands dictate. The entire water and sewage facilities must be engineered and coordinated with the town's overall plan.

(20) *Traffic control devices.* The design of traffic control devices shall be in accordance with the Manual for Uniform Traffic Control Devices.

(21) *Monuments.* The design of permanent reference monuments (PRM's) and permanent control points (PCP's) shall be as prescribed by F.S. ch. 177, as amended. Where such monuments occur within street pavement areas, they shall be installed in a typical water valve cover, as prescribed in the current town standards. All information pertaining to the location of permanent reference monuments shall be indicated in note form on the plat, such as underground installations, etc.

(22) *Construction methods.* Construction methods shall be those prescribed in the current town construction standards and those prescribed by the current department of transportation standard specifications for road and bridge construction.

(Code 1993, § 26-170 and Appendix B)

Sec. 64-109. Administration of construction.

After approval of the final plat and supplementary material, a developer may construct the required improvements subject to obtaining all required permits. The administrative official shall be notified in advance of the date of commencement of such construction. Construction shall be performed under the surveillance of and shall at all times be subject to review by the administrative official; however, this in no way shall relieve the developer and his engineer of the responsibility for close field coordination and final compliance with the approved plans and specifications and the requirements of this land development code. The developer shall employ a state registered engineer for complete administration of the construction of the required improvements. The developer shall require progress reports and final certification of the construction of the required improvements from such engineer to be filed with the administrative official. The administrative official or his duly authorized representative shall have the right to enter upon the property for the purpose of reviewing the construction of required improvements during the progress of such construction. The developer's engineer shall submit construction progress reports, at points of progress prescribed by the administrative official. The developer's engineer shall coordinate joint reviews of the construction with the administrative official. The administrative official shall have the authority to stop the work upon failure of the developer or his engineer to coordinate the construction of the required improvements as prescribed by this land

development code.

(Ord. No. 540, 3-13-2003)

Sec. 64-110. Measurements and tests.

During construction, the developer's engineer shall make such measurements, field tests and laboratory tests or cause them to be made to certify that the work and materials conform with the approved development plans and the provisions of this land development code. The administrative official may require, at his discretion, tests and measurements which he deems necessary.

(Ord. No. 540, 3-13-2003)

Sec. 64-111. Completion certificate.

The required improvements shall not be considered complete until a completion certificate, along with the final project records, has been furnished to, reviewed and approved by the administrative official. The cost of review by the town shall be paid by the developer. The certificate shall be by the developer's engineer and shall state that the required improvements were installed under his responsible direction and that the improvements conform with the approved construction plans and this land development code. The developer's engineer shall also furnish a copy of each of the construction plans on a high quality, time stable, reproducible material acceptable to the administrative official, showing the original design in comparison to the actual finished work, and a copy of the measurements, tests and reports made on the work and material during the progress of the construction. Any dispute concerning entitlement to a completion certificate may be appealed to the board of adjustment within 30 days after receipt of written notification from the town administrative official of action on the request for a completion certificate.

(Ord. No. 540, 3-13-2003)

Sec. 64-112. Time extensions.

All required improvements shall be completed within 12 months from the date of issuance of the land development permit. Time extensions may be granted by the town commission upon the recommendation of the administrative official. The developer shall present a written request for extension to the office of the administrative official. Each time extension shall not exceed six months.

(Code 1993, § 26-174)

Sec. 64-113. Workmanship and materials agreement.

The developer shall execute an agreement guaranteeing the required improvements against defect in workmanship and materials for one year after acceptance of such improvements by the town commission. Such agreement shall be submitted to the administrative official along with the completion certificate, project records and required surety.

(Code 1993, § 26-175)

Sec. 64-114. Acceptance of dedication and maintenance of improvements.

The dedication of public space, parks, rights-of-way, easements and the like on the plat shall

not constitute an acceptance of the dedication by the town. The acceptance of the dedication shall be indicated by a resolution of the town commission adopted at such time as all improvements meet or exceed the standards set forth by this land development code and all permit and administrative fees have been paid. The administrative official, upon satisfactory completion and receipt of the agreement, shall certify that the developer has complied with all of the provisions of this land development code and shall recommend to the town commission the acceptance of the dedications and, when applicable, the maintenance of the required improvements. Upon such recommendations, the town commission shall approve the subdivision, the dedications on the plat and the maintenance responsibilities of the required improvements by resolution.

(Ord. No. 540, 3-13-2003)

Sec. 64-115. Town completion of required improvements upon failure of developer to complete.

When a plat has been recorded and the developer fails to complete the improvements as required by this land development code, the town commission shall direct the administrative official to call upon the guarantees to secure satisfactory completion of the required improvements. Notice of such call shall be deemed to have been made if sent by certified mail to the guarantor's given address. Upon the completion of such action, the administrative official shall report to the town commission and the town commission shall accept by resolution the dedications and maintenance responsibility as indicated on the plat. In such cases, the remaining guarantees posted by the developer shall be retained for a period of one year after completion, and any defects occurring during this period shall be repaired using the funds remaining in the guarantees.

(Ord. No. 540, 3-13-2003)

Sec. 64-116. Failure to complete improvements in unrecorded subdivisions.

Where a developer has elected to install the required improvements prior to recordation of the plat and fails to complete such improvements within the time limitations of this land development code, all approvals of the subdivision shall be null and void and the land shall revert to its original state. No reference shall be made to the plat with respect to the sale of lots or issuance of building permits unless and until the plat has been resubmitted with all of the supplementary material and approvals as prescribed in this article have been granted.

(Ord. No. 540, 3-13-2003)

Sec. 64-117. Waterfront land.

When a developer designs a subdivision with waterfront property adjacent to existing or proposed canals, watercourses, lakes, streams, drainageways, mosquito control ditches or channels, such subdivision shall comply and conform to the requirements of this section.

(1) *Easements or rights-of-way.* Where a proposed subdivision is adjacent to existing or proposed canals, watercourses, lakes, streams, drainageways or channels, there shall be provided a stormwater easement or a drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction or both as will be adequate for the purpose. Additional right-of-way may be required where necessary for maintenance, safety and convenience.

(2) *Design of waterways.* Where canals, watercourses, lakes, streams, drainageways or channels are adjacent to or exist upon the property to be subdivided, they shall retain natural characteristics or be so designed and protected that they do not present a

hazard to life and safety. Access waterways proposed in conjunction with the subdivision shall have a minimum water depth of six feet for a continuous bottom width of 20 feet. Where seawalls, bulkheads or retainage walls are not required, the design shall incorporate a minimum of a 4:1 slope from existing ground to a depth of six feet.

(3) *Dredge, fill or excavation permits.*

a. When a developer designs a subdivision with waterfront property adjacent to existing or proposed canals, watercourses, lakes, streams, drainageways or channels, before any work may be done to modify existing lands, or to develop, alter or change such watercourses, construction plans shall be prepared in accordance with the provisions of this land development code. The construction plans shall be submitted to the administrative official for the issuance of a dredge, fill or excavation permit. Prior to the issuance of such a permit, the plans shall be approved by all governmental agencies having appropriate jurisdiction over dredge, fill or excavation permits.

b. No person shall alter, reroute, deepen, widen or change in any way any existing ditch, canal, drain or drainage system without first obtaining a written permit from the administrative official. Construction plans for such work shall be submitted to the town for the issuance of a dredge, fill or excavation permit. Prior to the issuance of such a permit, the plans shall be approved by all governmental agencies having appropriate jurisdiction over dredge, fill or excavation permits.

c. Where the dredge, fill or excavation permit affects public property or sovereign land, the construction plans required by subsections (3)a. and b. of this section shall, prior to issuance of a permit, be approved by the governing agency having control over public property or sovereign lands. This requirement shall include the board of trustees of the internal improvement fund, Corps of Engineers, department of natural resources or any other public agency having jurisdiction in such matters.

d. Prior to the construction or alteration of watercourses as described in subsections (3)a. and b. of this section, right-of-way required for such work must be appropriately dedicated. Where such construction or alteration affects a governmental water control district, the dedication, deed or easement shall be to such agency.

(4) *Construction permit required for seawalls, bulkheads, docks and piers.* Prior to construction of any seawall, bulkhead, dock or pier, a construction permit shall be obtained from the town, provided that all other required permits from other governmental agencies have been acquired and are on file in the town records.

(5) *Dedication and maintenance of waterway and easements.* Where canals, watercourses, lakes, streams, drainageways or channels are proposed or exist upon the property to be subdivided, they shall be identified and dedicated and maintenance obligations defined on the plat.

a. *Dedication.* Where public rights for drainage purposes are proposed within a waterway, the easement shall be dedicated to the public and the remainder of the waterway shall be dedicated to a property owners' association or reserved for the use of the residents of a subdivision when the subdivision is developed as a condominium or cooperative development as defined by state law, or, in lieu thereof, the waterway in its entirety may be dedicated to a legally constituted drainage district.

b. *Maintenance.* Rights-of-way or easements for canals, watercourses, lakes, streams, channels or other water management areas shall be dedicated to the public, a drainage control district or a property owners' association for the

maintenance and operation of the enumerated water management areas.

(6) *Exceptions.* This section shall not apply to drainage easements containing subsurface drainage systems or drainage ditches permitted under this land development code where the width does not exceed 60 feet, nor does it apply to the operation or activities of a governmental water control district.

(Ord. No. 540, 3-13-2003)