

1 **Chapter 137 - SUBDIVISIONS**

2 **Sec. 137-1. - Purpose and intent.**

3 (a) This chapter is intended to provide a systematic approach for dividing or combining parcels of
4 land.

5 (b) This chapter will regulate the division of land, whether by plat as required by F.S. ch. 177, or by
6 other means.

7 (c) This chapter will establish standards of design that encourage the development of sound and
8 economically viable communities. This will insure that development occurs in an orderly and
9 consistent manner, and that necessary facilities are in place to serve the residents of the County.

10 **Sec. 137-2. - Rules of construction and analogous words and terms.**

11 (a) For the purpose of this chapter, the following analogous words and terms shall be interpreted to
12 have similar meanings when not inconsistent with the context:

13 Applicant includes the term "owner," and the word "owner" includes the word "applicant."

14 Constructed includes the terms "erected," "built," "installed," "rebuilt" and "repaired."

15 Lot includes the term "plot," "parcel" or "tract."

16 Street includes the term "avenue," "boulevard," "drive," "lane," "place," "road" or "way," or similar
17 terms.

18 Structure includes the term "building."

19 (b) Where this chapter refers to a specific Federal, State or County agency, department or division, it
20 shall be interpreted to mean "or any succeeding agency authorized to perform similar functions or
21 duties."

22 **Sec. 137-3. - Definitions.**

23 The following definitions are in addition to those set forth in other chapters of this Code and are
24 applicable to the provisions set forth in this chapter only. If, when construing the specific provisions
25 contained in this chapter, these definitions conflict with definitions found elsewhere in this Code, then
26 the definitions set forth below will control. Otherwise the definitions contained elsewhere in this Code
27 will control. If a term is not defined the term must be given its commonly understood meaning unless
28 there is a clear indication of an intent to construe the term differently from its commonly understood
29 meaning.

30 *Abut/abuts/abutting* means that is immediately adjacent to, or contiguous, along a common boundary.

31 *Access point* means an accessway or driveway which provides vehicle access to a single parcel of land.

32 *Access street* means a street or road that runs generally parallel to a public street and is the primary
33 access to properties that abut the public street. An access street is intended only to provide access to
34 parcels existing when it is constructed and does not provide frontage for newly created parcels as
35 would a local street. See also Frontage street.

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Deleted: , consistent with F.S. ch. 177, as amended from time to time, and the county comprehensive plan

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Deleted: (c) New lots not regulated by this chapter shall be issued permits for development, when the lots and proposed type of development are in conformance with the county land development regulations.

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

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Deleted: , or that is located immediately across from any street, canal, easement or water body, not to exceed 25 feet from the other property

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1 Accessway means land that is used or intended to be used for ingress or egress to abutting parcels of
2 land and is not dedicated to the public. Accessways include access points to commercial, industrial
3 and other types of developments, except a single parcel of land containing two or fewer dwelling units
4 in a single structure.

5 Applicant means any individual, firm, association, syndicate, co-partnership, corporation, trust or
6 other legal entity, or their duly authorized representative, conducting activities under this chapter.

7 Bicycle path and bike path means a bike way physically separated from motorized vehicular traffic by
8 an open recovery area or barrier and either lying within the highway right-of-way or within an
9 independent right-of-way.

10 Bike way means any road, path or way which is specifically designated or intended to be open to
11 bicycle travel, whether such facilities are intended for the exclusive use of bicycles or not.

12 Block means a group of lots, including a tier of lots, existing within well-defined and fixed boundaries,
13 usually being an area surrounded by streets or other physical barrier and having an assigned number,
14 letter or other name by which it may be identified.

15 Building means any structure, either temporary or permanent, having a roof intended to be
16 impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels,
17 property of any kind, or created to shelter any form of human activity. This definition shall include
18 tents, awnings, cabanas, or vehicles situate on private property and serving in any way the function
19 of a building but does not include screened enclosures not having a roof impervious to weather. The
20 term "building" shall be construed as if followed by the words "or part thereof."

21 Comprehensive plan means the document, and its amendments, adopted by the Board of County
22 Commissioners pursuant to F.S. ch. 163, for the orderly and balanced future economic, social,
23 physical, environmental and fiscal development of the County.

24 Contiguous. See Abutting.

25 County means Glades County, Florida.

26 County engineer means a person employed by the County and licensed as a professional engineer in
27 the state, being regulated by F.S. ch. 471; or a person licensed as a professional engineer in the state,
28 being regulated by F.S. ch. 471, under contract with, or employed by a firm that is under contract with
29 the County to perform engineering services.

30 Current pertains to the regulations in effect at the time an application for a development order is
31 presented for acceptance or approval.

32 Density means an existing or projected relationship between numbers of dwelling units and land area.

33 DEP means the state department of environmental protection.

34 Developer means any individual, firm, association, syndicate, co-partnership, corporation, trust or
35 other legal entity commencing development.

36 Development means any improvement to land, including but not limited to site work and the
37 subdivision of land.

Deleted: Agent means a person authorized by the property owner to act on behalf of the property owner.

Deleted: Board means the board of county commissioners.

Deleted: means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent of its perimeter

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Deleted: Connection means a driveway, street, access road or other means of providing access to or from the county highway system. Two one-way driveways separated by no more than 50 feet will be considered one connection. ¶ Consultant means an architect, attorney, engineer, environmentalist, landscape architect, planner, surveyor or other person engaged by the developer to prepare documents required for a development order.

Deleted: Controlled water depth means the vertical distance measured from the waterbody control elevation to the deepest point of the proposed waterbody.

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Deleted: County highway system means all existing roads owned and/or maintained by the county department of transportation. ¶ Cul-de-sac means a street with a single common ingress and egress and with a turnaround at the end.

Deleted: Dead-end street means a street having only one end open for vehicular access and closed at the other end with no turnaround. ¶

Deleted: Decision of the development review director means any act of the county manager or his designee in interpreting or applying this article to a particular request for a requirement waiver, limited review processing, or a development order, or any other related request.

1 Development order means any order granting, denying, or granting with conditions an application for
2 a development permit.

3 Development permit includes any building permit, zoning permit, subdivision approval, rezoning,
4 certification, special exception, variance, or any other official action of local government having the
5 effect of permitting the development of land.

6 Direct access means that the access way, in the form of an easement, driveway, or other type of street,
7 connects the property being divided to a public or private street and does not pass through or go past
8 any other property.

9 *Division and dividing of land* mean the act of describing, by metes and bounds, platting or otherwise,
10 one or more parcels of land which are leer parcels of the original parcel or a recombination of leer
11 parcels or original parcels with another parcel for the purpose of conveying any interest in a parcel of
12 land. The act of describing, by metes and bounds, platting or otherwise, an easement for access or
13 right-of-way purposes; the commencement of construction of a street, or a portion thereof, which is
14 not platted.

15 *Drainage facility(ies)* includes the roadside swales, curb and gutter, valley gutter, inlet piping, lateral
16 swales and related structures used to collect and transmit stormwater runoff from streets and lots to
17 the detention or retention areas and percolation areas.

18 *Driveway* means a type of access point which provides vehicle access from a street to a single parcel
19 of land containing two or fewer dwelling units in a single structure and from which vehicles may legally
20 enter or leave the street in a forward or backward motion.

21 *Dwelling unit* means a room or rooms connected together, constituting a separate, independent
22 housekeeping establishment for a family, for owner occupancy, or for rental or lease on a weekly,
23 monthly or longer basis, which is physically separated from any other rooms or dwelling units which
24 may be in the same structure, and which contains sleeping and sanitary facilities and one kitchen. The
25 term "dwelling unit" shall not include rooms in hotels, motels or institutional facilities.

26 *Easement* means a grant of a right to use land for specified purposes. It is a non-possesory interest
27 in land granted for limited use purposes. Where the term "easement" is preceded by the term "street"
28 or any other adjective, the preceding term describes the easement's purpose.

29 *Engineer* means a professional engineer duly registered and licensed by the State of Florida.

30 *Environmental resource permit* means a permit issued by the South Florida Water Management
31 District to construct improvements to land.

32 *Expressway* means an arterial highway, usually divided, designed for the safe and relatively
33 unimpeded movement of large volumes of through traffic, with full or partial control of access and
34 grade separations at most intersections.

35 *FDOT* means the Florida Department of Transportation.

36 *FLUCCS* means Florida Land Use, Cover and Forms Classification System.

37 *Freeway* means a divided arterial highway designed for the safe unimpeded movement of large
38 volumes of traffic, with full control of access and grade separation at all intersections.

Deleted: *Development area* means the total horizontal area of the development property less any area within any existing public street right-of-way or easement.

Deleted: means a document issued by the county development review director granting approval of the development based upon the submittal of the application for a development order, plans for development, plats and all other documentation as applicable and required by this chapter.

Deleted: has the same meaning as given for that term in F.S. § 163.3164(7).

Deleted: *De-water* means the use of pumps or other equipment to temporarily withdraw water to a lower surface water level, an aquifer water level, or a groundwater level to accommodate development activities.

Deleted: *system*

Deleted: *Excavation* means the stripping, grading or removal by any process of natural minerals or deposits, including, but not limited to, peat, sand, rock, shell, soil, fill dirt or other extractive materials, from their natural state and location. ¶
Excavation depth means the vertical distance measured from the lowest existing natural grade along the bank of the proposed excavation to the deepest point of the proposed excavation. ¶
Excess spoil means excavated material that will be removed from the premises including "surplus material" as well as material excavated to provide a viable agricultural or recreational amenity.

1 *Frontage street* means a type of access street which runs parallel to the adjacent arterial or collector
2 street right-of-way and which separates the abutting properties from the right-of-way.

3 *FWC* means the Florida Fish and Wildlife Conservation Commission.

4 *Highway* means a collector or arterial street.

5 *Improvement to land* means any change to land or to any structure on the land, and shall include any
6 movement or grading of land, except grading which is incidental to the removal of exotic vegetation
7 and which is not prohibited by other sections of this code; clearing of indigenous vegetation; and the
8 construction, reconstruction, conversion, structural alteration, relocation or enlargement of any
9 structure; provided, however, that any change to a building which does not involve a change in the
10 building floor area shall not be deemed an improvement to land.

11 *Indigenous vegetation* means those plant species that are characteristic of the major plant
12 communities of the County. Areas where invasive exotic vegetation has exceeded seventy-five
13 percent of the plant species by quantity will not be considered indigenous vegetation.

14 *Intersection* means the general area where two or more roads, streets, accessways or access points
15 join or cross.

16 *Limited Access: A street or highway especially designed for through traffic and over, from, or to which*
17 *owners or occupants of abutting land or other persons have no right or easement, or only a limited*
18 *right or easement, of access, light, air, or view by reason of the fact that their property abuts upon*
19 *such limited access facility or for any other reason. Such highways or streets may be parkways from*
20 *which trucks, buses, and other commercial vehicles are excluded; or they may be freeways open to*
21 *use by all customary forms of street and highway traffic.*

22 *Lot* means a parcel of land considered as a unit.

23 *Lot of record* means:

24 (1) Any lot described within and part of an approved subdivision plat recorded in the office of the
25 clerk of the circuit court;

26 (2) Any contiguous quantity of land which is capable of being described with such definitiveness
27 that its location and boundaries are established, and which has been so recorded in the public
28 records in the office of the clerk of the circuit court and meets the requirements of Section
29 137-4 of this Chapter.

30 *Lot split, conforming*, means the division of a tract, parcel, or lot into only two total lots. The division
31 must meet the standards of Section 137-4(d)(4).

32 *Lot split, non-conforming*, means the division of a tract, parcel, or lot that does not meet the
33 requirements of this Chapter. Development permits shall not be issued for such lots.

34
35 *Nonconforming lot, legal*, means any lots which is prohibited under or does not satisfy or comply with
36 the current provisions of the comprehensive plan or land development regulations, but which
37 complied with those requirements in effect at the time the lot was established.

Deleted: *Impervious surface* means those surfaces which do not absorb water, and includes all structures, driveways, streets, sidewalks, other areas of concrete, asphalt, compacted layers of lime rock or shell. In the case of storage yards, areas of stored materials constitute impervious surfaces.

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Deleted: *Intensity of use* means the extent to which nonresidential land is used as measured in terms of square footage of buildings, impervious surfaces, traffic generation, water consumption and sewage created.

Deleted: *Landscape architect* means a professional landscape architect duly registered and licensed by the state. ¶
LBR means lime rock bearing ratio.

Deleted: *Lot area* means the total horizontal area within the lot lines. ¶

Lot, corner, means a lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the two streets is 135 degrees or less or a lot abutting a curved street if straight lines drawn between the intersections of the side lot lines and the street right-of-way or easement to the foremost point of the lot form an interior angle of less than 135 degrees. ¶

Lot coverage means that portion of a lot area, expressed as a percentage, occupied by all impervious surfaces. ¶

Lot depth means the distance between the midpoints of the front lot line and the rear lot line. The midpoint of a curved front or rear lot line shall be considered to be the midpoint of a straight line connecting the points of its intersection with the side lot lines. ¶

Lot, double-frontage, means any lot, not a corner lot or through lot, having two or more property lines abutting a street right-of-way or easement. ¶

Deleted: *Lot of record* means a lot which is part of a plat which has been lawfully recorded in the plat books in the office of the clerk of the circuit court and is in compliance...

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Deleted: , where each lot meets the dimensional standards for their zoning district and comprehensive plan; abuts a county maintained road which has been duly dedicated a...

Deleted: *nonconforming*

Deleted: , by deed (without a plat),

Deleted: a conforming lot split

Deleted: *Lot, through*, means any lot having two opposite lot lines abutting a street right-of-way or easement. ¶

1 On-road bike way means a portion of a roadway which has been specifically designated for the use of
2 bicyclists.

Deleted: and bike lane

3 Owner means any person having a legal or equitable interest in property.

Deleted: *On-site sewage disposal system or facility* means those sewerage systems which include a septic tank, a system of piping, and a soil absorption bed or drain field, as further defined and regulated by F.S. ch. 381.

4 Parcel means any quantity of land capable of being described with such definiteness that its location
5 and boundaries may be established, which is designated by its owner or developer as land to be used
6 or developed as a unit or which has been used or developed as a unit.

Deleted: means a parcel of land considered as a unit

7 Parent parcel means the original parcel from which subsequent parcels are created.

8 PCP (permanent control point) means a market as defined in F.S. ch. 177.

Deleted: *Parking lot access* means an accessway which provides vehicle access from a street to a parking lot containing five or more parking spaces, but from which vehicles are restricted to entering or leaving the street in a forward motion only. ¶
Parking lot aisle means the portions (lanes) of a parking lot which provide direct access to individual parking spaces.

9 Pedestrian way means a paved, surfaced path or way which is specifically designated or intended to
10 be open to pedestrian travel, whether such facilities are intended for the exclusive use of pedestrians
11 or not.

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12 Permit means any official document or certificate required or issued by the County authorizing
13 performance of a specified activity.

14 Person means any individual, partnership, association, corporation, trust or other legal entity.

15 Plat means a plat as defined by F.S. ch. 177, as amended.

Deleted: ;

16 Private street means a street that is not dedicated to the public, or has been dedicated to the public
17 but the offer has not been accepted by the Board of County Commissioners through expressed action
18 at a public hearing.

19 PRM (permanent reference monument) means a monument as defined in F.S. ch. 177.

Deleted: *Private water system* means a water system that is supplied by a well, spring or other similar source of water, that is used for human consumption by four dwelling units or less and is regulated by F.S. ch. 381 and F.A.C. ch. 10D-4, as amended.

20 Public street means a street that has been dedicated to the public and where the public, through use
21 of the street, or the Board of County Commissioners, through expressed action at a public hearing,
22 has accepted the offer of dedication. Regardless of the board's acceptance of the offer of public
23 dedication, the board may or may not have accepted the street for maintenance purposes.

Deleted: *Public sewerage system* means a sewerage system that contains a wastewater treatment plant, is not an individual sewage disposal system, and is not regulated by F.A.C. ch. 10D-4.

24 Right-of-way, means land dedicated, deeded, used, or to be used for a street, alley, walkway,
25 boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain
26 designated individuals, or governing bodies.

Deleted: *Public water system* means a water system that is not a private water system, and includes those water systems regulated under F.S. ch. 381 and defined as public water systems, community water systems and noncommunity water systems in F.A.C. ch. 17-22; and those water systems defined as public water systems not covered or included in the Florida Safe Drinking Water Act in F.A.C. ch. 10D-4, as amended. ¶

27 Road capital improvement includes transportation planning, preliminary engineering, engineering
28 design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all
29 the necessary features for any road construction project, including but not limited to:

Rehabilitation means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions of features of the property which are significant to its historical architectural and cultural values. ¶

30 (1) Construction of new through lanes.

31 (2) Construction of new turn lanes.

32 (3) Construction of new bridges.

33 (4) Construction of new drainage facilities in conjunction with new roadway construction.

34 (5) Purchase and installation of traffic signalization, including new signalization and upgrading
35 signalization.

Reverse frontage street means a local street or access way that functions as an access street but which is not located adjacent to the arterial or collector street right-of-way.

- 1 (6) Construction of curbs, medians and shoulders.
- 2 (7) Construction of on-road bike ways and bike paths.
- 3 (8) Relocating utilities to accommodate new roadway construction.

4 Roadway is a general term denoting land, property or interest therein, usually in a strip, acquired for
 5 or devoted to transportation purposes, including the travel way, shoulders and swales.

6 Same ownership is used when there is more than one lot and means that the lots are owed by the
 7 same person, as person is used in its broadest sense. All owners need not be the same as long as one
 8 owner is the same.

9 Sidewalk means a pedestrian way, paralleling and usually separated from the street.

10 Sidewalk, off-site, means a pedestrian way which is exterior to a parcel being improved and located
 11 in the right-of-way of the public street adjacent to that parcel or within an easement dedicated to the
 12 public.

13 Sidewalk, on-site, means a pedestrian way which is located within the boundaries of the parcel being
 14 improved.

15 Simple subdivisions shall mean any subdivision of land creating at least three lots that meet the criteria
 16 of Section 137-5. Site-related road improvements means road capital improvements and right-of-way
 17 dedications for access improvements to the development in question. Access improvements include,
 18 but are not limited to, the following:

- 19 (1) Site access points and roads.
- 20 (2) Median cuts made necessary by those access points or roads.
- 21 (3) Right and left turn and deceleration or acceleration lanes leading to or from those access
 22 points or roads.
- 23 (4) Traffic control measures for those access points or roads.
- 24 (5) Roads or intersection improvements whose primary purpose at the time of construction is to
 25 provide access to the development.

26 Stormwater management system means and includes the detention or retention areas, percolation
 27 trenches, discharge structures and outfall channels provided to control the rate of stormwater runoff
 28 within and from a development.

29 Street includes any access way such as a street, road, lane, highway, avenue, boulevard, alley,
 30 parkway, viaduct, circle, court, terrace, place, or cul-de-sac, ingress/egress easements, and also
 31 includes all of the land lying between the right-of-way lines as delineated on a plat showing such
 32 streets, whether improved or unimproved, but shall not include those access ways intended solely for
 33 limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines,
 34 drainage facilities and sanitary sewers.

35 Street, arterial, means streets primarily intended to carry large volumes of through traffic connecting
 36 major activity centers to other major traffic generators. Access to abutting properties is a secondary
 37 function.

Deleted: Road expansion means all road and intersection capacity enhancements, and includes but is not limited to extension, widening, intersection improvements, upgrading signalization and improving pavement conditions.

Deleted: , but which has not been accepted by the board

Deleted: Service area means the geographical region consisting of the lots being served or being proposed to be served by a public facility, including but not limited to public water or sewage systems.

Deleted: arterial or collector road

Deleted: means the division of a tract, parcel, or lot into more than two lots, where each lot meets the dimensional standards for their zoning district and the comprehensive plan; abuts a county-maintained road which has been duly dedicated and accepted, and no new streets are created and there is no change in the length or alignment of an existing street; and no environmental resource permit is required. ¶

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Deleted: Small development means a project of less than ten acres in land area and less than two acres in impervious area. ¶

Soil classification means those categories and types of soils identified by the United States Department of Agriculture soil survey of the county.

Deleted: ¶

Deleted: means a right-of-way or roadway which affords the principal means of ingress or egress for a parcel of land.

1 *Street, local*, means streets with the primary function being to serve adjacent properties. As such, a
2 local street provides the linkage from adjacent land uses to the collector street system. Through
3 volume service is not a function of local streets.

4 *Street, major collector*, means streets having the primary purpose of collecting traffic from
5 intersecting local and minor collector streets and distributing this volume to the nearest arterial. A
6 secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a
7 secondary function.

8 *Street, minor collector*, means streets having the primary purpose of collecting traffic from
9 intersecting local streets and distributing this volume to the nearest major collector or arterial. As
10 such, a minor collector street provides the linkage from neighborhoods (i.e., local streets) to the
11 arterial system, and provides intra-neighborhood access. Access to abutting land uses is a secondary
12 function.

13 *Street, substandard*, means a street lacking either a geometric or structural capacity for the
14 designation assigned.

15 *Structure* means that which is built or constructed. The term "structure" shall be construed as if
16 followed by the words "or part thereof."

17 *Subdivision* is a type of development. It means the division of land into three or more lots, parcels,
18 tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new
19 streets and alleys, additions, and resubdivisions (also known as replats).

20 *Surveyor* means a professional land surveyor duly registered and licensed by the State of Florida.

21 **Sec. 137-4. – Applicability, Conformity, and Exemptions.**

22 (a) Applicability. This chapter applies to the division or recombination of all land in unincorporated
23 Glades County.

24 (b) Conformity. The County shall only issue permits for existing conforming and legal non-conforming
25 lots of record. All existing lots created in the unincorporated area of the County must comply with
26 one of the requirements listed below in order to be considered a lot of record:

27 (1) Building permit was issued prior to January 1, 2015 for that lot. A lot developed prior to
28 the indicated date will be considered a de facto lot of record even it does not otherwise meet the
29 requirements for a lot of record. However,

30 a. Unpermitted development does not create a de facto lot of record.

31 b. Development that was permitted and constructed prior to the land being divided,
32 such that a garage, shed, guest house, second home, etc., is now located on the new lot, does not
33 make the lot a de facto lot of record.

34 c. Building permits submitted prior to the date referenced above but which were
35 allowed to expire or were not finalized does not create a de facto lot of record and does not obligate
36 the County to issue a new or revised permit.

37 (2) Lot was created on or prior to July 12, 1971, which was when the County's first Land
38 Development Regulations (LDRs) were adopted. The lot was created through recordation with the

Deleted: *Street right-of-way*, is a general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes, which has been dedicated to the public and accepted by the board. ¶
Street stub means a street having one end open for vehicular traffic and the other terminated without a turnaround for vehicles.

Deleted: *Subdivider* means a person who creates a subdivision.

Deleted: The term "subdivision" means the division of a parcel wherein the new parcel are required by F.S. ch. 177 to be platted. ¶
Surplus material means material that absolutely must be excavated in order to comply with permit requirements and which cannot reasonably be expected to be used on the same premises for any purpose.

Deleted: *Trafficway* means an existing or planned public right-of-way, the primary, though not necessarily the sole, purpose or use of which is to facilitate through movement of direct access to abutting properties. A trafficway may represent a freeway, expressway, arterial or collector street.
Turn lane means a width of pavement required to protect the health, safety and welfare of the public and reduce adverse traffic impacts from turning movements generated by a development on to and off of a street. Turn lanes shall include and enhance turning, acceleration, deceleration or storage movements of vehicles as required by this chapter. ¶
Unified control means that a single property owner or entity has been authorized by all owners of the property to represent them and to encumber the parcel with covenants and restrictions applicable to development of the property as approved by the county. ¶
Water system means a system of pipes, pumps, water treatment plants or water sources, and all other appurtenances or equipment needed to treat, transport and distribute water. ¶
Zoning ordinance means that document as adopted, and as may be amended by the board of county commissioners for the purpose of dividing the unincorporated area of the county into zoning districts and providing for the regulation of uses, land and structures within such districts.

1 clerk of the circuit court of a valid legal description of the lot, such as a 'metes and bounds' description
2 or Public Land Survey System description.

3 (3) Lot was created between July 12, 1971 and April 1, 2003. The lot was created through
4 recordation with the clerk of the circuit court, through deed or other legal document, of a valid legal
5 description of the lot, such as a 'metes and bounds' description or Public Land Survey System
6 description. The lot is only required to have met, or exceeded, the minimum dimension standards of
7 the applicable zoning district when created.

8 (4) Lot was created between April 1, 2003 and May 9, 2006. The lot was created through
9 recordation with the clerk of the circuit court, through deed or other legal document, of a valid legal
10 description of the lot, such as a 'metes and bounds' description or Public Land Survey System
11 description, or through recordation of an approved plat. The lot must have been created in
12 accordance with the requirements of all of the land development regulations in effect at the time of
13 creation, particularly Ordinance 74-1 and Ordinance 75-2 which regulated the division of property.

14 (5) The lot was created after May 9, 2006. The lot was created through recordation with the
15 clerk of the circuit court, through deed or other legal document, of a valid legal description of the lot,
16 such as a 'metes and bounds' description or Public Land Survey System description, or through
17 recordation of an approved plat. The lot must have been created in accordance with the requirements
18 of all of the land development regulations in effect at the time of creation, particularly Ordinance
19 2006-14, which regulated the division of property.

20 (6) The lot was created after (insert adoption date of this code) and met all of the
21 requirements of the land development regulations in effect at the time of creation.

22 (c) Proof of legality. If the legality of a lot is in question, it is the property owner's responsibility to
23 provide proof to the community development department of how and when the lot was created along
24 with any other information that is necessary to establish the legality of the lot, such as a survey sketch
25 and legal description.

26 (d) Exemptions from Platting. These exemptions to not apply to property within an approved and
27 recorded subdivision plat; changes made to subdivision plats must be filed as a new subdivision
28 (replat) or plat vacation as applicable. Otherwise, the following division or recombination of land
29 may be created without need to comply with the subdivision requirements and processes of this
30 chapter. At a minimum, the recordation of a survey and legal description for each new lot along with
31 a deed or other instrument of conveyance, as applicable, with the clerk of the circuit court is required.
32 Property owners must apply to the County for review of the property boundary change to ensure that
33 the change meets the requirements of this Code.

34 (1) Public conveyance. The division of property for the conveyance of a portion of that
35 property to a Federal, State, County, or municipal government entity, or a public utility.

36 (2) Boundary adjustments. Adjustments may be made between legal lots of record consisting
37 of a conveyance between adjoining landowners if the purpose of the conveyance is to adjust or settle
38 the common boundary line between adjoining landowners, there is no increase in the number of lots,
39 and the resulting lots conform to and are consistent with the applicable land development regulations
40 and the Comprehensive Plan.

1 (3) Lot recombination. The recombination of lots where the subsequent recombination does
2 not result in lots of less area, width or depth than required by the land development regulations,
3 where there is no increase in the number of lots, and where no streets, including easements, are
4 created, changed or extinguished.

5 (4) Lot split. A one-time lot split where two lots may be created from the original lot of record.
6 The total number of lots created shall not be more than two and the total acreage of the original lot
7 shall be included in the split. The original parcel shall be known as the parent parcel and those lots
8 resulting from the split shall be known as successor parcels and shall not be entitled to another lot
9 split; any further division of land from the successor parcels must be accomplished through the
10 subdivision process.

11 a. Lots of record existing prior to April 1, 2003 shall be considered parent parcels and
12 may utilize the one-time lot split if such split can be accomplished in accordance with the
13 requirements of this Chapter. Illegally created lots are not entitled to a lot split or a development
14 permit.

15 b. Each new lot shall meet the requirements of the land development regulations and
16 comprehensive plan.

17 c. A lot split shall not create, change or extinguish any streets other than the creation of
18 a street easement identified in 'd.' below.

19 d. Access. The front of the lot and the minimum width requirement based on that
20 orientation will depend on how the lot is accessed. A minimum lot size will be based on what type of
21 street the lot is accessed from. Configurations of a lot split may occur as follows:

22 1. The parent parcel abuts a County- or State-maintained (public) street or a private
23 street built and maintained to the standards of Chapter 58, Article III (conforming private street).

24 i. The minimum lot size for each successor parcel is based on the Zoning district
25 requirement.

26 ii. At least one successor parcel will abut the public or conforming private street.
27 If one successor parcel is located away from the street, then it can have direct access to the street
28 through an easement, which will act as the driveway. If a direct access easement is created, the
29 property owner shall make every effort to configure the successor parcels so that the parcels share a
30 single access to the street.

31 2. The parent parcel abuts a private street not built and maintained to the standards
32 of Chapter 58, Article III (nonconforming private street) or an existing easement.

33 i. The minimum lot size for each successor parcel is twenty acres.

34 ii. Each successor parcel must abut and gain direct access from the
35 nonconforming private street or easement.

36 iii. The County shall require minimum standards to exist or be created regarding
37 the existing nonconforming private street or easement or the lot split shall not be considered a legal
38 lot split. The requirements are:

1 A. A document or documents, recorded with the clerk of the circuit court
2 that include:

- 3 • a legal description and a survey sketch of the private street or
- 4 easement.
- 5 • a statement that the private street or easement is a permanent or
- 6 perpetual nonexclusive easement for ingress and egress.
- 7 • a statement that the street or easement is private and that the street
- 8 or easement is neither dedicated to nor accepted by Glades County.
- 9 • a statement identifying that the street or easement is under common
- 10 ownership and a description of which parcels have access to and
- 11 financial responsibility for construction and maintenance of the
- 12 easement.
- 13 • identification of the funding source to maintain the street or
- 14 easement and an enforcement mechanism for maintenance.
- 15 • the provision for utility infrastructure within the street or easement.
- 16 • a statement allowing accessibility to all emergency, public service,
- 17 utility, and refuse vehicles and all other similar vehicles which may
- 18 necessarily need to utilize the street or easement.

19 B. Submittal to the community development department of a description of
20 the structure of the nonconforming private street or easement, which shall include a description and
21 sketch of the drainage facilities. The County can require reconstruction of the nonconforming private
22 street or easement and drainage facilities if the materials and construction are considered
23 inadequate.

24 C. The nonconforming private street or easement must be at least forty feet
25 wide with at least twenty feet of stabilized driving surface.

26 D. The nonconforming private street or easement must be paved for the last
27 twenty feet where it intersects with a public or conforming private road.

28 E. If the private street or easement is gated then a Knox box or coded key
29 lock, or other similar device acceptable to emergency services, shall be the only acceptable locking
30 mechanism to secure the gate so that Fire/EMS, police, code enforcement, and animal control may
31 quickly and safely enter the lots when necessary.

32 (5) Family homestead.

33 a. This provision applies to property zoned Open Use Agricultural (OJA) or Agricultural
34 Residential (AR).

35 b. Under this provision, a property owner can convey a piece of land, to be called the
36 homestead parcel, to a family member that does not meet the land development regulation
37 requirements lot size. The title to the property must be legally conveyed to the family member or a
38 building permit shall not be issued.

39 c. The family member must be a grandparent, parent, stepparent, adopted parent,
40 sibling, child, stepchild, adopted child, or grandchild of the person who is conveying the parcel to said
41 individual. Proof of the relationship shall be required.

42 d. Parent parcel requirements.

1 1. The original piece of land that the homestead parcel is divided from shall be
2 known as the parent parcel. The parent parcel shall be a conforming, legal lot of record; non-
3 conforming lots of record shall not utilize this exemption.

4 2. The parent parcel shall also have a minimum of 100 feet of frontage along a public
5 street or along a private street or easement with direct access to a public street.

6 3. The subsequent lot size of the parent parcel after the division of land can be less
7 than that required by the zoning district; however, if the subsequent lot size is made less than that
8 required by the zoning district, no further division of land shall be allowed. If the subsequent
9 lot size of the parent parcel is not less than that required by the zoning district, then one further
10 homestead parcel may be created.

11 e. Homestead parcel requirements.

12 1. The minimum lot size of a homestead parcel in AR zoning is 0.5 acres. The
13 minimum lot size of a homestead parcel in OUA is 1 acre.

14 2. One single-family dwelling with no minimum size or one single-family mobile
15 home with a minimum size of 12' x 60' may be placed on the homestead parcel. In addition, one
16 detached garage or barn or other accessory building may be placed on the homestead parcel not to
17 exceed the size of the primary structure.

18 3. The minimum setbacks for any structure in a homestead parcel shall be:

- 19 • Front property line setback—35 feet.
- 20 • Rear property line setback—25 feet.
- 21 • Side property line setback—25 feet.

22 4. The homestead parcel shall not be further divided.

23 5. Although the homestead parcel does not need to have frontage along the same
24 street as the parent parcel, the boundary line closest to the street from which the parent parcel gains
25 access shall be located within no further than 500 feet from that street. The homestead parcel must
26 be provided access through an easement which shall be a joint driveway with the parent parcel.

27 f. Limits on transferability.

28 1. The homestead parcel shall be used solely as the homestead of the immediate
29 family member of the person who conveyed the parcel to said individual for 15 years from the date a
30 certificate of occupancy is issued for a residence, and shall not be transferable before the expiration
31 of that 15-year period except to another immediate family member in the case of the death, divorce,
32 institutionalization, or job change resulting in unreasonable commuting distances of the originally
33 intended immediate family member.

34 2. The homestead parcel owner shall provide covenants and restrictions to be
35 executed by them and the County Manager, on behalf of Glades County, which shall be recorded in
36 the clerk of the court's records at the owner's expense, restricting transfer and regulating the
37 development of the property to comply with the limitations of this section. The covenants and
38 restrictions shall be enforceable by Glades County. The covenants and restrictions may be amended
39 by the board of county commissioners.

40 g. The family homestead provided for in this section shall apply only once in a lifetime
41 to any person seeking to qualify as the homesteader.

1 h. A survey and legal description of the parent parcel and the homestead parcel, along
2 with any proposed easements, is required.

3 i. A certificate of homestead exemption shall be issued to the parent and homestead
4 property owners upon approval by the Community Development Department. The required
5 documents along with the certificate shall be recorded with the clerk of the court at the applicant's
6 expense. Proof that the required documents have been recorded must be submitted with any
7 application for a building permit on a family homestead lot.

8 **Sec. 137-5. Simple Subdivision.** The County has deemed certain subdivisions of land to be of lesser
9 impact to the County's infrastructure and adjacent property owners. A Simple Subdivision review is
10 accomplished and approved by staff. The review will ensure compatibility with surrounding
11 development and uses, determine compatibility with the comprehensive plan, compliance with the
12 land development regulations, and the impact on levels of service for concurrency purposes.

13 (a) Criteria:

14 (1) Each lot in a Simple Subdivision shall meet the requirements of the land development
15 regulations and the comprehensive plan;

16 (2) A Simple Subdivision may include the creation of an easement to access newly created
17 lots.

18 (3) A Simple Subdivision shall have direct access to a public street or a conforming private
19 street. A Simple Subdivision with direct access to a nonconforming private street may be allowed with
20 approval of the County. A Simple Subdivision with direct access to an easement shall not be allowed.

21 (4) There shall be a maximum number of lots allowed depending on how the lots are
22 accessed.

23 a. There is no maximum number of lots when all lots abut a public street or conforming
24 private street. When lots are adjacent to a limited access street, a parallel access street that connects
25 all new lots and is intended to decrease the access points onto the limited access street shall be
26 required. Subdivisions along other streets may be required to provide a parallel access street if
27 deemed necessary by the County. Construction and maintenance of the access street will be the
28 responsibility of the lot owners. The access street shall be paved and must be built and maintained
29 to the standards of Chapter 58, Article III.

30 b. If an easement is used to access any of the new lots, then no more than six lots shall
31 be allowed. This option shall only be allowed for residential and agricultural residential subdivisions.
32 The following conditions shall apply:

33 1. Access points onto the street shall be limited. If possible, access from each new
34 lot shall be onto the easement.

35 2. The easement shall directly access a public street or a conforming private street.

36 3. The easement shall meet the conditions of Chapter 58, Article III, Section ???.

37 4. A document, whose format and wording shall be approved by the County, shall
38 be recorded with the clerk of the circuit court with, at a minimum, the following information included:

- 1 i. Survey sketch and legal description of the easement,
- 2 ii. Statement that the easement is a permanent or perpetual nonexclusive
3 easement for ingress and egress,
- 4 iii. Statement that the easement is private and that the easement is neither
5 dedicated to nor accepted by Glades County,
- 6 iv. Identify that the easement is under common ownership and identify the
7 parcels that have access to and financial responsibility for construction and maintenance of the
8 easement,
- 9 v. Identify an enforcement mechanism and funding source to maintain the
10 easement,
- 11 vi. Provide for utility infrastructure within the easement,
- 12 vii. Allow accessibility to all emergency, public service, utility, and refuse vehicles
13 and all other similar vehicles which may necessarily need to utilize the easements.
- 14 (5) The subdivision may be gated but, if so, then a Knox box or coded key lock, or other similar
15 device acceptable to emergency services, shall be the only acceptable locking mechanism to secure
16 the gate so that Fire/EMS, police, code enforcement, and animal control may quickly and safely enter
17 the subdivision when necessary.
- 18 (b) No further subdivision of any lot shall be permitted without full compliance with all County
19 regulations. Lots in a subdivision are not eligible to utilize a lot split, but must be reconfigured through
20 a replat. Any increase in lots beyond the six allowed by this process shall require approval of a Major
21 Subdivision.
- 22 (c) A pre-application review is not required but is recommended for a Simple Subdivision. Only one
23 Simple Subdivision may be created from any lot or contiguous lots under the same ownership. Any
24 further division of land will require approval of a Major Subdivision.
- 25 (d) Submittal requirements. The following list of items are required for a review of a Simple
26 Subdivision;
- 27 (1) Surveys and legal descriptions prepared by a professional land surveyor registered in the
28 State of Florida. This shall be provided for the parent parcel as it exists prior to the division and a
29 separate survey shall be provided showing the subdivision of the parcel along with a legal description
30 of each new lot and any easements.
- 31 (2) A narrative describing:
- 32 a. The purpose, intent, and character of the proposed development.
- 33 b. How the proposal is in conformance with specific, applicable provisions of the
34 Comprehensive Plan and the land development regulations.
- 35 (3) An analysis of the impact the proposed development will have on public facilities and
36 services such as roads, potable water, sewer facilities, and schools.
- 37 (4) Maps:

- 1 a. A vicinity map showing the location of the proposed development in relation to the
2 County:
- 3 b. A map showing surrounding streets and thoroughfares.
- 4 c. A map showing future land use and zoning designations of the parent parcel and
5 adjacent parcels.
- 6 d. A map or sketch that depicts existing surface water flow on the subject property and
7 in the immediate vicinity.
- 8 e. A map showing known environmental concerns on the subject property.
- 9 (5) A stormwater management system plan including a topographical map with arrows
10 indicating the existing surface water flow and a narrative outlining how surface water flow will be
11 accommodated after development of the lots, along with stormwater from the street drainage
12 facilities.
- 13 (6) A street development plan prepared by a professional engineer, registered in the State of
14 Florida for the private street or street easement including:
- 15 a. A profile and cross-sections,
- 16 b. Type of construction and drainage facilities,
- 17 c. Centerline survey of the road with curve data.
- 18 (7) A sketch and a detailed description of the method of screening and buffering between
19 the proposed development and adjacent uses if required.
- 20 (8) A narrative and map outlining what utility services will be utilized in the subdivision, where
21 they will be located, and how they will be accessed.
- 22 (d) Staff review and approval.
- 23 (1) The community development department will review the application and shall forward
24 copies of a complete application to appropriate review staff, including the County engineer and
25 County attorney, within ten business days after receipt. This shall include any official whose review is
26 pertinent to ensure that health, safety, and welfare are protected. These officials shall have the
27 opportunity to respond in writing to the community development department, giving the community
28 development staff an opportunity to consider each. The applicant may be asked to provide more
29 information to clarify the project or make revisions.
- 30 (2) The expense of any consultants hired to review the application on behalf of the County
31 shall be borne by the applicant.
- 32 (3) Once staff review has determined that the Simple Subdivision proposal meets all of the
33 requirements of the code of ordinances and the comprehensive plan, the community development
34 director shall take action on the application.
- 35 **Sec. 137-~~6~~ - Major Subdivision**
- 36 (a) Design criteria and development standards.

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1 (1) Generally, Compatibility is the ability of adjacent existing or proposed uses to coexist with
2 adjacent uses without creating an unacceptable negative relationship. Compatibility will be ensured
3 between the site plan and approved and existing development in the vicinity of the subdivision.
4 Proposed designs will be consistent for the health, safety, and welfare of residents, employees, and
5 visitors to the site and adjacent properties. Compatibility does not require the same density or
6 intensity, compatibility does require sufficient buffering alternatives to ensure sufficient space and
7 screening between different uses.

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8 (2) Lot sizes. Every lot within the development (subdivision) must comply with the minimum
9 dimensional standard for the zoning district in which the lot is located.

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10 (3) Block dimensions.

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11 1. The lengths, width, and shapes of blocks shall be determined with due regard to:

12 I. Provision of adequate building sites suitable to the special needs of the type of
13 use contemplated.

14 II. Zoning requirements as to lot sizes and dimensions.

15 III. Needs for convenient access, circulation, control and safety of street traffic.

16 IV. Limitations and opportunities of topography and orientation.

17 2. Block lengths shall not be longer than 1,800 feet and shall be at least 400 feet, unless
18 topographic, physiographic features or specific approval by the Board of County Commissioners
19 dictate otherwise.

20 3. Pedestrian crosswalk rights-of-way, not less than ten feet wide, may be required in
21 blocks over 1,000 feet in length, where deemed essential to provide circulation, or access to schools,
22 playgrounds, shopping centers, transportation, and other community facilities.

23 (4) Densities and intensities. The gross densities and intensities of the development shall be
24 in compliance with the current zoning regulations.

25 (5) Natural features. Site design will take the natural topography, soils and vegetation into
26 consideration. Site design will consider recreation areas, open spaces, utilities, drainage and other
27 facilities. Preservation of natural features will be encouraged (i.e., vegetation, wetlands, etc.).

28 (6) Transportation facilities and services. The road network shall meet the conditions of
29 Chapter 58, Article III. The road network of the development is required to directly access a public
30 street or a conforming private street.

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Deleted: within the subdivisions will be required to meet the adopted service levels and standards. New street design shall be in accordance with the county land development regulations. The minimum requirements for a local street shall be: ¶
(1) Right-of-way width, 60 feet;¶
(2) Minimum lane width, ten feet.¶

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31 (6) Access management. The design and location of access to the subdivision shall be in
32 accordance with the County land development regulations. Road design shall not allow direct access
33 to the public or conforming private street from individual lots.

34 (7) Utilities, public facilities, and services. Subdivisions shall have the following facilities,
35 utilities and services; sanitary sewers, potable water, storm and surface drainage facilities, and other
36 applicable sanitary systems (which may include well and septic), utility systems and installations. This
37 subsection shall not apply if the applicant provides private facilities, utilities or services approved by
38 appropriate public agencies and assures their satisfactory, continuing operation during the period of

1 development and makes provision for their continued operation thereafter, or until public facilities,
2 utilities and services are available for use.

3 (8) Storm drainage. An adequate drainage system designed in accordance with good
4 engineering principals and including necessary open ditches, pipes, culverts, intersectional drains,
5 drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water, according to
6 plans approved by the county engineer. Drainage facilities affected by the subdivision and subdivision
7 improvements shall be designed, constructed, and improved, if necessary, in a manner which will fully
8 and finally dispose of all subdivision runoff from a 25-year design storm of 24-hour duration, and
9 retention/detention shall be such that post-development runoff rates mimic pre-development runoff
10 rates. An easement over the drainage facility that includes the width of the facility plus 15 feet on all
11 side shall be required.

12 (9) Easements over environmentally sensitive areas. A conservation easement shall be
13 provided for any wetlands and natural watercourses. The easement shall conform to the lines of the
14 wetland or watercourse plus 15 feet on all sides. The easement shall also include the limits of any
15 floodways. Any development within these areas shall be specified within the easement otherwise no
16 development shall take place.

17 (b) Phasing of development. A master plan for the entire development site must be approved for a
18 major development that is to be developed in phases. The master plan shall be submitted
19 simultaneously with an application for review of the preliminary development plan for the first phase
20 of the development and must be approved as a condition of approval of the preliminary plan for the
21 first phase. A preliminary and final development plan must be approved for each phase of the
22 development under the procedures for development review prescribed above. Each phase shall
23 include a proportionate share of the proposed recreational space, and open space, other site and
24 building amenities of the entire development, except that more than a proportionate share of the
25 total amenities may be included in the earlier phase with corresponding reductions in the later phases.
26 Any portion of a utility or roadway system, identified in the master plan, that provides functionality
27 to improvements in the phase being constructed, must also be constructed simultaneously with the
28 phase under construction.

29 (c) Financial assurances for improvements.

30 (1) Applicability.

31 a. The provisions of this section apply to all proposed developments in the County,
32 including private road subdivisions

33 b. Nothing in this section shall be construed as relieving an applicant from any
34 requirement relating to concurrency requirements of this chapter.

35 c. This section does not modify existing agreements between an applicant and the
36 County for subdivisions platted and final development orders granted prior to the effective date of
37 the ordinance from which this chapter is derived, provided such agreements are current and comply
38 with all conditions and terms thereof.

39 (2) Improvement agreements required. The approval of any development plan shall be
40 subject to the applicant providing assurance that all required improvements, including, but not limited
41 to, storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily

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1 constructed according to the approved development plan. The following information shall be
2 provided:

3 a. Agreement that all improvements, whether required by this chapter or constructed
4 at the applicant's option, shall be constructed in accordance with the approved documents.

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5 b. The term of the agreement indicating that all required improvements shall be
6 satisfactorily constructed within the period stipulated. The term shall not exceed five years from the
7 recording of the plat. If phases have been approved, each phase may have a separate term, not to
8 exceed five years for each phase.

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whichever comes first

9 c. The projected total cost for each improvement. Cost for construction shall be
10 determined by either of the following:

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11 1. Estimate prepared and provided by the applicant's engineer.

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12 2. A copy of the executed construction contract provided.

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13 d. Specification of the public improvements to be made and dedicated together with
14 the timetable for making improvements.

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15 e. Agreement that upon failure of the applicant to make required improvements (or to
16 cause them to be made) according to the schedule from making those improvements, the County
17 shall utilize the security provided in connection with the agreement to make the required
18 improvements (or to cause them to be made).

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19 f. Provision of the amount and type of security provided to ensure performance.

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20 g. Provision that the amount of the security may be reduced periodically, but not more
21 than two times during each year, subsequent to the completion, inspection and acceptance of
22 improvements by the County.

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23 h. Provision that the applicant shall be responsible for the cost of an engineer, hired by
24 the County, to inspect the infrastructure.

25 (3) Amount and type of security.

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26 a. The amount of the security listed in the improvements agreement shall be approved
27 as adequate by the director.

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28 b. Security requirements may be met by, but are not limited to, the following

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29 1. Cashier's check.

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30 2. Certified check.

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31 3. Cash.

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32 4. Interest bearing certificate of deposit.

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33 5. Irrevocable letters of credit.

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34 6. Surety bond.

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1 c. The amount of security shall be one hundred and twenty-five percent of the total
2 construction costs for the required developer-installed improvements. The amount of security may
3 be reduced commensurate with the completion and final acceptance of required improvements. In
4 no case, however, shall the amount of the bond be reduced to less than one hundred and twenty-five
5 percent of the cost of completing the remaining required improvements.

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6 d. Application for reduction in the security amount shall be made to the community
7 development department and must be approved by the Board of County Commissioners.

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8 (4) Completion of improvements.

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9 a. When improvements are completed, final inspection shall be conducted and
10 corrections, if any, shall be completed before final acceptance is recommended by the County
11 engineer. A recommendation for final acceptance shall be made upon receipt of a certification of
12 project completion and one copy of all test results.

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13 b. As required improvements are completed and accepted, the developer may apply for
14 release of all or a portion of the bond consistent with requirements in subsection (3) of this section.

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15 (5) Maintenance of improvements.

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16 a. A maintenance agreement and security shall be provided to assure the County that all
17 required improvements shall be maintained by the developer or future condominium association
18 CDD, or Owner's association according to the following requirements:

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19 1. The period of maintenance shall be a minimum of two years. Longer maintenance
20 periods may be required if recommended by the County engineer.

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21 2. The maintenance period shall begin with acceptance by the County of the
22 construction of the improvements.

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23 3. The security shall be in the amount of fifteen percent of the construction cost of
24 the improvements.

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25 b. Whenever a proposed development provides for the creation of facilities or
26 improvements which are not proposed for dedication to the County, a legal entity shall be created to
27 be responsible for the ownership and maintenance of such facilities and improvements.

Deleted: d. The original agreement shall be maintained by the director of the community development department.

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28 1. When the proposed development is to be organized as a condominium under the
29 provisions of F.S. ch. 718, common facilities and property shall be conveyed to the condominium's
30 association pursuant to that law.

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31 2. When the proposed development is to be organized as a community development
32 district under the provisions of F.S. ch. 190, common facilities and property shall be conveyed to the
33 community development district pursuant to that law.

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34 3. When no condominium association or community development district is to be
35 organized, an owner's association shall be created, and all common facilities and property shall be
36 conveyed to that association.

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1 4. No development order shall be issued for a development for which an owner's
2 association is required until the documents establishing such association have been reviewed and
3 approved by the County attorney and recorded with the clerk of the circuit court.

4 c. Management of common facilities and improvement shall be governed by covenants
5 running with the land. Such covenants shall be included with the final plat. The organization
6 responsible for the management shall not be dissolved nor shall it dispose of any common facilities
7 or improvements by sale or otherwise without first offering to dedicate the same to the County.

8 (d) Pre-application review. A pre-application review meeting with County staff prior to submitting an
9 application is required. The staff will discuss with the applicant the proposed development relating
10 to:

11 (1) Proposed uses, densities and intensities. Staff will offer suggestions for any changes to
12 the Comprehensive Plan or zoning district classification for the project that may be necessary to make
13 the project conform to the requirements of the County land development regulations.

14 (2) Buffering and screening requirement. Staff will discuss with the applicant the proposed
15 use of the development as it relates to surrounding uses, and offer suggestions on what screening and
16 buffering may be required to make the project conform to the requirements of the County land
17 development regulations.

18 (3) Concurrency requirements. Discuss with the applicant the requirement to verify and
19 maintain concurrency for:

20 a. Transportation.

21 b. Parks.

22 c. Emergency management.

23 d. Schools.

24 (4) Infrastructure requirement. Discuss with the applicant the infrastructure requirements
25 necessary for the development to be in compliance with the Comprehensive Plan, including:

26 a. Access management.

27 b. Streets.

28 c. Stormwater management system.

29 d. Public utilities.

30 (e) Preliminary Plat Approval Process.

31 (1) Purpose and intent. The intent of preliminary plat approval is to allow for the review of
32 the proposed design on the site, ensure compatibility with surrounding development and uses,
33 determine concurrency with the Comprehensive Plan and evaluate the fiscal impact to the County.
34 Construction plans may be submitted simultaneously with the preliminary plat application.

35 (2) Generally. Following the pre-application review, the applicant may submit the application
36 for preliminary plat approval in accordance with the requirements of these regulations. The

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Sec. 137-7. - Application procedures—Simple subdivision. ¶

(a) Generally. A preapplication review is not required for a simple subdivision, however a preapplication review is encouraged. ¶

(b) Submittal requirements. The applicant will submit simultaneously to the county community development department an application for simple subdivision approval; a survey and legal descriptions of the parent parcel, each parcel created and any remaining parcel, prepared by a professional land surveyor registered in the state; the fees; and the following exhibits: ¶

(1) A statement of objectives describing:¶

a. The purpose and intent of the proposed development.¶

b. A narrative description of the character of the proposed development.¶

c. How the proposal is in conformance with specific, applicable provisions of the county comprehensive plan. ¶

(2) A preliminary analysis of the impact the proposed development will have on public facilities and services, with an adopted level of service in the county comprehensive plan. ¶

(3) A vicinity map showing the location of the proposed development in relation to and statements concerning each of the following: ¶

a. Surrounding public streets and thoroughfares.¶

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1 preliminary plat must be prepared by a professional land surveyor registered in the state, and in
2 conformity with F.S. ch. 177. The preliminary plat, along with the supplemental information required
3 by these regulations, shall be submitted.

4 (3) Submittal requirements. The applicant will submit to the County community development
5 department an application for plat approval, the preliminary plat described above, the fees, and the
6 following exhibits. All maps, surveys and drawings will be provided on both 24-inch by 36-inch and 11-
7 inch by 17-inch sheets, drawn legibly at appropriate scale suitable for presentation. The applicant shall
8 provide:

9 a. A statement of objectives describing:

10 1. The purpose and intent of the proposed development.

11 2. A narrative description of the character of the proposed development.

12 3. How the proposal is in conformance with specific, applicable provisions of the
13 County Comprehensive Plan.

14 b. A preliminary analysis of the impact the proposed development will have on public
15 facilities and services, with an adopted level of service in the County Comprehensive Plan. Should an
16 analysis of other infrastructure be required, the County will notify the applicant of such fact in the
17 pre-application meeting.

18 c. A vicinity map showing the location of the proposed development in relation to and
19 statements concerning each of the following:

20 1. Surrounding public streets and thoroughfares.

21 2. Future land use map and existing zoning designations on the site and surrounding
22 areas within one mile of the proposed site boundaries.

23 3. A legal description of the property and a signed and sealed sketch and description,
24 indicating existing easements, structures, well, and septic tanks.

25 4. A map or sketch that depicts existing surface water flow determination that depicts
26 surface water flow on the subject property and in the immediate vicinity.

27 5. A topographic survey. The topographic surveys which are available from the most
28 recent USGS topographic survey may be used for property over one hundred acres. The topographic
29 survey should be submitted at the same scale as the master concept plan.

30 6. Known environmental concerns on the subject property.

31 7. A soils map of the site and the area within two hundred feet of the development
32 boundary.

33 8. Description of method of screening, and location and details of buffers.

34 d. A proposed list of recommendations, considerations, not otherwise covered, as
35 needed. The list can include draft conditions proposed by the applicant for inclusion within the
36 development approval.

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1 e. A narrative utility service plan including availability of gravity or forced sanitary sewer
2 service, potable water supply and proposed lift stations locations, an exhibit showing any and all
3 existing or proposed utilities, public utility easements and rights-of-way, and a narrative describing
4 the proposed methodology for managing the stormwater runoff. General location of any on-site
5 natural areas, buffers, trees and sidewalks impacted by utility facilities.

6 f. A statement indicating the type of legal entity that will be created to provide for the
7 management of common areas and draft covenants.

8 (4) Staff review.

9 a. The community development department shall forward copies of the preliminary plat
10 and supporting data, within ten business days to appropriate County staff. This should include the
11 County attorney, County engineer, and any other official whose review is pertinent to ensure that
12 health, safety, and welfare are protected. These officials shall have the opportunity to respond in
13 writing to the community development department for inclusion in the staff report, giving the local
14 planning agency an opportunity to consider each respective position.

15 b. The expense of any consultants hired to review the application on behalf of the
16 County shall be borne by the applicant.

17 c. Review staff shall have a maximum of forty-five business days, from date of receipt
18 of the information, to submit comments to the community development department.

19 d. The community development department shall have five business days to compile
20 and send all comments out to the applicant.

21 (5) Appeals to comments.

22 a. The applicant shall have fifteen business days to submit appeals to the staff review
23 comments to the community development department.

24 b. The community development department staff shall review the appeals to comments
25 and solicit responses from review staff. If a resolution cannot be negotiated with the applicant,
26 appeals to comments shall be taken to the Planning and Zoning Board for final decision making action
27 as a part of the public hearing process before the Planning and Zoning Board. The appeal to the review
28 comments and responses from review staff to the appeals will be incorporated in the staff report,
29 giving the local planning agency an opportunity to consider each respective position.

30 c. The community development staff charged with reviewing the plat shall present the
31 applicant's appeal and the staff analysis of the appeal at a public hearing of the Planning and Zoning
32 Board. The Planning and Zoning Board shall make a determination whether or not the applicant's
33 appeal should be approved, conditionally approved, or denied. The applicant shall be notified in
34 writing within ten business days from the Planning and Zoning Board determination. The plat or
35 approval of the plat shall be changed by the applicant to abide by the decision of the Planning and
36 Zoning Board.

37 (f) Final plat and development plan approval process.

38 (1) Generally. Following approval of the preliminary plat, the applicant shall submit the plat for final
39 approval. The plat must be prepared by a professional land surveyor registered in the state, and in

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1 conformity with F.S. ch. 177, [and the Florida Administrative Code \(FAC\) 5J-17 Standards of Practice](#).

2 [The official Vertical Datum for all projects is the North American Vertical Datum of 1988 \(NAVD '88\)](#).

3 [The horizontal datum shall be Florida East Zone, North American Datum of 1983 \(NAD83\) HARN, US](#)

4 [Survey Feet](#). The plat, along with the following supplemental information, shall be submitted:

5 [a. Lot dimensions and areas shall be shown and noted on the plat.](#)

6 [b. The location of natural areas, including proposed conservation and preservation](#)

7 [areas shall be shown and noted on the plat.](#)

8 [c. Proposed open space areas, which include the following, shall be shown and noted](#)

9 [on the plat:](#)

10 [1. Developed and resource-based recreation.](#)

11 [2. Common open space.](#)

12 [3. Bicycle and pedestrian pathways.](#)

13 [5. Stormwater facilities.](#)

14 [6. Picnic areas and plazas.](#)

15 [d. Typical cross-sections of all proposed street types and other conveyances.](#)

16 [e. An environmental resource inventory of the property must be prepared by an](#)

17 [environmental professional and will include a FLUCCS map. The environmental resource inventory](#)

18 [shall have been completed within 6 months of the submittal of the application.](#)

19 [f. Trip generation study showing the estimated number of trips the proposed](#)

20 [development will create. A traffic analysis that identifies the net new external trip generation, level](#)

21 [of service on the arterial/collector network with and without the project, and a trip distribution on](#)

22 [the public network.](#)

23 [g. Prepare a fiscal impact analysis model \(FIAM\) for the development using a model](#)

24 [provided by the County.](#)

25 [h. Description of method of screening, and location and details of buffers.](#)

26 [i. A proposed list of recommendations and considerations, not otherwise covered, as](#)

27 [needed. The list can include draft conditions proposed by the applicant for inclusion within the](#)

28 [development approval.](#)

29 [j. A narrative utility service plan including availability of gravity or forced sanitary sewer](#)

30 [service, potable water supply and proposed lift stations locations, an exhibit showing any and all](#)

31 [existing or proposed utilities, public utility easements and rights-of-way, and a narrative describing](#)

32 [the proposed methodology for managing the stormwater runoff. General location of any on-site](#)

33 [natural areas, buffers, trees and sidewalks impacted by utility facilities will be provided.](#)

34 [k. A statement indicating the type of legal entity that will be created to provide for the](#)

35 [management of common areas.](#)

36 [\(2\) Staff review.](#)

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1 a. The community development department shall forward copies of the final plat, along
2 with supporting data, within ten business days, to appropriate County review staff. This should include
3 the County attorney, County engineer, and any other official whose review is pertinent to ensure that
4 health, safety, and welfare are protected. These officials shall have the opportunity to respond in
5 writing to the community development department for inclusion in the staff report, giving the local
6 planning agency an opportunity to consider each respective position.

7 b. The fee for any consultants engaged by County to review the application shall be
8 borne by the applicant.

9 c. Review staff shall have forty-five business days to submit comments to the
10 community development department.

11 d. The community development department shall have five business days to compile
12 and send all comments out to the applicant.

13 (3) Appeals to comments.

14 a. The applicant shall have fifteen business days to submit appeals to the staff review
15 comments to the community development department.

16 b. The community development department staff shall review the appeals to comments
17 and solicit responses from review staff. If a resolution cannot be negotiated with the applicant,
18 appeals to comments shall be taken to the Planning and Zoning Board for final decision making action.
19 The appeal to the review comments and responses from review staff to the appeals will be
20 incorporated in the staff report, giving the local planning agency an opportunity to consider each
21 respective position.

22 c. The community development staff charged with reviewing the plat shall present the
23 applicant's appeal and the staff analysis of the appeal at a public hearing of the Planning and Zoning
24 Board. The Planning and Zoning Board shall make a determination whether or not the applicant's
25 appeal should be approved, conditionally approved, or denied. The applicant shall be notified in
26 writing within ten business days from the Planning and Zoning Board determination. The plat or
27 approval of the plat shall be changed to abide by the decision of the Planning and Zoning Board.

28 (g) Preliminary/Final plat approval process. An applicant may choose to combine the approval of the
29 preliminary and final plat. All documentation related to the final plat shall be submitted for review.
30 If an applicant chooses to proceed with this process, it is incumbent upon them that all information
31 submitted for review is complete and sufficient as required for final plat. If the information is
32 considered insufficient, the County can require the applicant to proceed through the preliminary plat
33 process.

34 (h) Public meetings.

35 (1) Preliminary plat.

36 a. After the final review of the plat by the community development director, the
37 preliminary plat shall be presented to the Planning and Zoning Board at a public meeting. The Planning
38 and Zoning Board shall consider the staff report, the applicant's presentations and any public
39 testimony in order to make a recommendation to the Board of County Commissioners. The

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1 recommendation shall be one of the following: approval as submitted, approval with
2 recommendations, or denial.

3 b. After a recommendation is obtained from the Planning and Zoning Board, including
4 the Planning and Zoning Board's decision on any appeals of the staff's comments and
5 recommendations, the preliminary plat shall be presented to the Board of County Commissioners at
6 a public meeting. The Board of County Commissioners shall consider the recommendations of the
7 staff report, the Planning and Zoning board, the applicant's presentations, and any public testimony
8 in order to make their decision. The decision shall be: to approve as submitted, approve with
9 stipulations, deny the preliminary plat, or continue the hearing to a date certain, in order to obtain
10 additional information necessary to reach a conclusion.

11 (2) Final plat and development plan.

12 a. After the review of the final plat by the community development director, the final
13 plat and development plan shall be presented to the to the Board of County Commissioners. The
14 Board of County Commissioners shall consider the recommendations of the staff report, the
15 applicant's presentations, and any public testimony in order to make their decision. The decision shall
16 be: to approve as submitted, approve with stipulations, deny the plat, or continue the hearing to a
17 date certain in order to obtain additional information necessary to reach a conclusion.

18 (h) Legal effect of approvals.

19 (1) Legal effect of preliminary plat approval.

20 a. Approval of the preliminary plat shall not constitute approval of the final plat but shall
21 be construed as authority to submit the final plat. Approval of the preliminary plat shall be
22 deemed an expression of approval of the layout submitted, which shall serve as a guide to the
23 preparation of the final plat and development plan, but shall not be binding on the County and shall
24 not require any specific final plat approval by the County.

25 b. Approval of the preliminary plat shall be good for two years. This time may be
26 extended by the community development director for one year increments, provided that the
27 applicant can show that the delay to compile documents for final plat submittal is not the fault of the
28 applicant. If the approval expires and either the Comprehensive Plan or the land development
29 regulations are amended in any way that would make the preliminary plat non-conforming, the
30 preliminary plat must be resubmitted for review under the current regulations.

31 c. Site clearing and grading may begin after approval of the preliminary plat, provided
32 that the applicant has an approved environmental resource permit issued by the South Florida Water
33 Management District. Site clearing and grading, as provided above, is at the risk of the applicant, and
34 shall not subject the County to any liability, should the final plat be denied, or approved with
35 stipulations for any reason.

36 d. Approval of the preliminary plat shall not constitute approval for the conveyance of
37 any lots, tracts, or parcels located within the plat boundary to a new owner.

38 (2) Legal effect of final plat and development plan approval by the Board of County
39 Commissioners.

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1 a. Approval by the Board of County Commissioners of the final plat and development
2 plan shall not constitute approval to begin construction.

3 b. If the approval of the final plat stipulates changes to the plat and development plan,
4 then the applicant shall have up to one year to revise the plat and development plan. This time may
5 be extended by the community development director for one year if the applicant can show that they
6 have made a continuous effort to revise the plans as required by the approval. If the approval expires,
7 and either the Comprehensive Plan or the land development regulations are amended in any way that
8 would make the final plat or development plan nonconforming, the final plat and development plan
9 must be resubmitted for review under the current regulations.

10 (3) Legal effect of final plat approval and recording.

11 a. With the approval and signatures of the chairman of the Board of County
12 Commissioners and the Community Development Director, the plat and any development
13 agreements shall be recorded at the applicant's expense.

14 b. After the plat and development agreements are recorded and financial securities are
15 given to the County, construction may begin on the infrastructure, but only after all necessary permits,
16 including building permits, have been acquired by the landowner for the infrastructure. Building
17 permits may be required.

18 c. Building permits for other construction may be approved after the infrastructure is
19 completed and approved by the County.

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Moved up [2]: (a) Zoning review. The staff will discuss with the applicant the proposed development relating to: ¶

(1) Proposed uses, densities and intensities. Staff will discuss with the applicant the proposed use, densities and intensities of the development. Staff will offer suggestions for any changes to the comprehensive plan or zoning district classification for the project, that may be necessary to make the project conform to the requirements of the county land development regulations. ¶

(2) Buffering and screening requirement. Staff will discuss with the applicant the proposed use of the development as it relates to surrounding uses, and offer suggestions on what screening and buffering may be required to make the project conform with the requirements of the county land development regulations. ¶

(b) Concurrence requirements. Discuss with the applicant the requirement to verify and maintain concurrency for: ¶

(1) Transportation. ¶

(2) Parks. ¶

(3) Emergency management. ¶

(4) Schools. ¶

(c) Infrastructure requirement. Discuss with the applicant the infrastructure requirements necessary for the

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