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ARTICLE 11

DEVELOPMENT PLAN REVIEW AND PROCEDURES

11.00.00 GENERAL

11.00.01 Purpose

This Article sets forth the review procedures to be followed in applying for, granting, denying, or granting with conditions approval of a development project or activity.

11.00.02 Applicability

Development plan review and approval is required for all development applications prior to the issuance of building permit, grading and filling permit, stormwater permit, or other development related approvals as required under this Code, except the following:

- A. Single-family dwellings on existing subdivision lots-of-record when such use is listed as a permitted use within the applicable land use district.
- B. Duplex dwellings on existing, conforming subdivision lot-of-record when such use is listed as a permitted use within the applicable land use district.
- C. A single-family dwelling on an undivided parcel of land when such use is listed as a permitted use within the applicable land use district.
- D. Land clearing permits.
- E. Except as might otherwise be required under Article 12, interior or minor building alterations and site modifications which do not increase the non-conforming status of a "non-conforming site", as determined in accordance with Article 13, or which do not transform a site which conforms with all current land use requirements into a "non-conforming site".¹⁷
- F. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- G. Fences, walls, re-landscaping, restriping, or other minor site changes that do not materially alter the appearance or function of an existing site, increase the nonconforming status of the site, have an adverse effect on public safety, or cause a site to become nonconforming,

¹⁷ **Cross-references** – Article 12 Permits, Article 13 Nonconforming, Development, Variances, Special Exceptions, Changing Land Use (Rezoning)

11.00.03 Withdrawal of Applications

An application for development review may be withdrawn at any time. If a development review application is withdrawn the applicant shall be required to submit a complete new application for his/her request. The applicant shall, in writing, request withdrawal and state the reason for withdrawal. If application is withdrawn or denied regardless of the timing the application shall not be returned. Also, the applicant shall be responsible for payment of all committed reviews by the City consultants or legal review prior to withdrawal.

11.01.00 PRE-APPLICATION CONFERENCE

Prior to filing for development plan review, the developer shall meet with the PLDRC to discuss the development review process and to be informed of the City's development objectives. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at (be pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

11.02.00 CONCEPT PLANS

11.02.01 General

All proposed developments must undergo a Concept Plan review.

11.02.02 Concept Plan Submittal Requirements

Each Concept Plan shall show:

- A. The location of the proposed development, surrounding streets and thoroughfares, existing zoning on the site and abutting lands, Future Land Use designation on the property and abutting lands, and existing development shall be noted;
- B. All land parcels and tracts;
- C. Existing flood plain delineations;
- D. Proposed land uses, open space, recreation and major streets or thoroughfares internal to the development;
- E. Proposed utility service concept for sanitary sewers, storm drainage, potable water and reclaimed water.
- F. Proposed phasing, if applicable.

11.02.03 Review of Concept Plan

The PLDRC shall issue no binding order, finding or other indication of approval of disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the-proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

11.03.00 REVIEW OF DEVELOPMENT PLANS

11.03.01 General

The review process comprises two (2) review procedures to be followed: a preliminary review and a final review. Only those projects which exceeds in size the threshold for small area amendments under § 163.318, *Florida Statutes*, shall submit the proposed development for preliminary review as outlined in section 11.03.04. All other proposed development need only follow the procedures for a final plan review as outlined in section 11.03.06.

11.03.02 Application

Applications for development review shall be available from City Hall. A completed application shall be signed by all owners, or their agent of the property subject to the proposed, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. All preliminary and final Development Plans shall be signed and sealed by a Licensed Professional Engineer, unless waived by the City Commission or their appointed designee.

11.03.03 Plan Submittal Requirements

All Development Plans submitted pursuant to this Code shall conform to the following standards:

A. General information:

1. All plans shall be drawn to a scale of one (1) inch equals fifty (50) feet, unless the PLDRC Chairman determines that a different scale is sufficient or necessary for proper review of the proposal.
2. The trim line sheet size shall be twenty-four (24) inches by thirty-six inches. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided.

3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
4. A general vicinity or location map drawn to scale of not less than one inch equals two thousand feet (1"=2,000') [both stated and graphic] showing the position of the proposed development in the section(s), township and range, together with the principal roads, City limits, and/or other pertinent orientation information.
5. A complete legal description of the property.
6. The name, address and telephone number of the owner(s) of record of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
7. Name, business address, and telephone number of the professional(s) responsible for the preparation of the drawing(s).
8. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
9. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
10. The area of the property shown in square feet and acres.
11. Name of project and type of review.
12. Statement of the intended use of site.
13. Linear dimensions of the site and proposed building(s).
14. Existing topography with a minimum of one-foot contour intervals for the proposed site. All elevations shall be referenced to United States Geological Survey datum.
15. Finish grading elevations
16. All existing and proposed building restrictions lines (ie., highway setback lines easements) covenants, rights-of-way, and building setback lines, even if more restrictive than those specified by the regulations).
17. Any formal commitments, including, but not limited to contribution to off-site public facilities impacts.

18. Density calculations for all existing and/or proposed building, paving and landscaping areas. Percentages are to be broken down into two categories - pervious and impervious areas.
19. Parking calculations.
20. Project address.
21. Adjacent jurisdiction, land use and existing business name or center.
22. Any proposed phasing of development.

B. Building and structures:

1. Intended use
2. Number of stories
3. Height of building
4. Number of dwelling units and density for multifamily development plans
5. Projected number of employees and number of vehicles kept at site
6. For restaurants, entertainment or similar establishments, show number of seats and allowable occupancy load as determined by the fire marshal
7. Gross square footage, storage area square footage, and gross floor area ratio
8. Type of construction
9. Finish Floor Elevation
10. Proposed sign including regulatory, warning or guide signs which shall include, but not be limited to stop signs, stop bars, handicapped parking signs/markings, speed limit signs, children at play signs, yield signs, no-parking signs, signs that indicate a hazard within the development, etc.

C. Streets, Sidewalks, Driveways, Parking areas and Loading/Unloading Areas

1. Engineering plans and specifications for streets, sidewalks, parking areas and driveways

2. All parking spaces designated
3. Calculation of number of parking spaces
4. Number and location of handicapped spaces
5. Number and designation of loading spaces
6. Number of square feet of paved parking and driveway area and sidewalk area
7. Surface materials of driveway area
8. Cross section and profile of proposed street improvements and other paved surfaces
9. Fire lanes details and location
10. Location of proposed driveway(s) and median cut(s)
11. Internal traffic circulation plan, including directional arrows and signage to direct traffic flow
12. Location of sidewalks, bikepaths and/or trails
13. Coordination of walkways, bikeways, driveways etc., with facilities in adjacent development
14. All proposed streets, alleys and right-of-way
15. Extension of construction of service roads and on-site access must be shown where applicable.

D. Traffic impact analysis.

E. Drainage.

F. Soils:

1. A soil classification map as a overlay for comparison with proposed development activities shall be provided and indicate soil classifications on the development plan as identified by the United States Department of Agriculture Soil Conservation Service in the Volusia County Soil Survey and Soil Survey Supplement. An Applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating

that the identified soils are not classified correctly. If determination is concurred in by the City, the soil shall be correctly identified for the purpose of this Code.

2. Soil analysis by a qualified geotechnical professional engineer shall be furnished upon request of the City.

G. Erosion Control

Provisions for the adequate control of erosion and sediment, indicating the location and description of the methods to be utilized during and after all phases of clearing, and construction.

H. Limits of floodplain:

Indicate flood elevation for 100-year flood on the development plan as established by the Federal Flood Insurance Administration and as supplemented by the United States Geological Survey Map of Flood Prone Areas. The actual acreage above and below the 100-year flood elevation, plus that area below the antecedent water level shall be listed numerically. Indicated, for all bodies of water the mean high water line as defined in this Code.

I. Proposed water and sewer facilities:

1. Water Systems. Size, material, and location of water mains, valves and fire hydrants, including engineering plans and specification
2. Sanitary Sewer Systems in accordance with this Code.

J. Solid Waste in accordance with this Code.

K. Tree removal, land clearing, landscape buffers, and landscaping in accordance with this Code.

L. Recreation and open space in accordance with this Code.

M. Existing improvements (on-site, adjacent to the site and across or opposite any right-of-way).

The name, location, and right-of-way of all existing streets, right-of-way, and platted streets with 500' in each direction of the proposed entrance(s) to the proposed subdivision as well as sidewalks, alleys, easements, median cuts, and bike paths:

1. Drainage systems to include natural and structural (size and material, invert elevation);

2. Size, location, and materials type of nearest water and reclaimed water mains, valves and fire hydrants;
3. Sanitary sewer system (size, invert elevation and material type to be included): and
4. Indicate all other utilities:
Gas, power, telephone and cable television, where applicable.

N. Environmentally Sensitive Lands in accordance with this Code.

O. Wellfield Protection:

Location of on-site wells, and wells within one thousand (1,000') feet of any boundary of the site.

P. Historic and Archaeologic Sites:

Identification of historic and archaeological sites on the site, or within one thousand (1,000') feet of any boundary of the site.

Q. Any additional data, maps, plans or statements, as may be required, which are commensurate with the intent and purpose of this Code.

R. Sign, size, and location in accordance with this Code.

S. Unless a format is specifically called for in the City's application, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met. In some cases more detailed information may be required by the PLDRC for any Development Plan submittals.

T. Seven (7) copies of the submittal shall be required, by the first working day of each month to begin that month's process or each subsequent submittal.

U. A plat shall be required with the submittal of a Development Plan when the subdivision of land occurs.

11.03.04 Preliminary Review of Development Plans

A. The developer shall within six (6) months after completion of Concept

Review, submit a Preliminary Development Plan to the PLDRC for preliminary review. If more than six (6) months elapse, the developer must resubmit the plan for Concept Review.

- B. A completed Application and plan shall be submitted by the first working day of each month to begin that month's process.
- C. Within five (5) working days of the review of a Preliminary Development Plan, the PLDRC Chairman shall:
 - 1. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan in accordance to that months review schedule or within thirty (30) working days without payment of an additional fee, but if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay a new fee; or
 - 2. Determine that the plan is complete and proceed in accordance with this Code.
- D. The PLDRC Chairman shall send a copy of the Development Plan to each member of the PLDRC. Each member shall review the proposal and submit written and/or oral comments at the next scheduled meeting of the PLDRC.
- E. Interested persons shall be given a reasonable opportunity to comment orally or in writing.
- F. Following a determination by the PLDRC that the application is complete, the Developer shall submit the proposed development plans to the Volusia Growth Management Commission in a format specified by the Commission in Ordinance 87-24, as amended.
- G. Following receipt of comments from the Volusia Growth Management Commission the PLDRC shall determine whether the plan satisfies the requirements of this Code. The PLDRC shall recommend to the City Commission:
 - 1. Approval of Preliminary Development Order; or
 - 2. Approval of Preliminary Development Order with conditions; or
 - 3. Denial of approval of Preliminary Development Order.

11.03.05 Required and Optional Contents of Preliminary Development Orders

- A. Required Contents

A Preliminary Development Order shall contain the following:

1. An approved Preliminary Development Plan (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the Preliminary Development Plan that must be made, in order for a Final Development Order to be issued. The modifications shall be described in a sufficient detail and exactness to permit a developer to amend the proposal accordingly.
3. A listing of federal, state, and regional permits that must be obtained in order for a Final Development Order to be issued.
4. With regard to the concurrency management requirements of this Code:
 - a. Concurrency Verification letter.
 - b. The time period for which the Preliminary Development Order is valid. This initial determination indicates that capacity is expected to be available for the proposed project based on information currently available to the City.
 - c. Notice that the Preliminary Development Order does not constitute a Final Development Order and that one or more concurrency determinations may subsequently be required. The notice may include a provisional listing of facilities for which commitments may be required prior to the issuance of a Final Development Order.
 - d. Notice that issuance of a Preliminary Development Order is not binding with regard to decisions to approve or deny a Final Development Order, and that it does not constitute a binding commitment for capacity of a facility or service.

B. Optional Contents.

A Preliminary Development Order may include one or more of the following as conditions of approval:

1. Agreement by the Developer in a recordable written instrument running with the land that no Final Development Order will be requested or approved unless the necessary facilities are programmed for construction within specified time periods.
2. Commitment by the Developer in a recordable written instrument to

contract for provision of the necessary services or facilities to achieve the concurrency requirement.

3. Schedule of construction phasing of the proposed development consistent with the anticipated availability of one or more services or facilities.
4. Such other conditions as may be required to ensure that concurrency will be met or all applicable facilities and services.

11.03.06 Final Review of Development Plans

- A. The developer shall, within six (6) months after completion of Concept Review or issuance of a Preliminary Development Order (whichever is applicable), submit a Development Plan for final review by the PLDRC for recommendation to the City Commission.
- B. A completed Application and Plan shall be submitted by the first working day of each month to begin that month's process.
- C. Within five (5) working days of the submittal of the Final Development Plan, the PLDRC Chairman shall:
 1. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan in accordance to that month's review schedule or within thirty (30) working days without payment of an additional fee, but, if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay a new fee; or
 2. Determine that the plan is complete and proceed in accordance with this Code.
- D. The PLDRC Chairman shall send a copy of the Final Development Plan to each member of the PLDRC. Each member shall review the proposal and submit written and/or oral comments at the next scheduled public hearing of the PLDRC.
- E. Notice of a public hearing shall be pursuant to Article XIV, of this Code. Interested persons shall be given a reasonable opportunity to comment orally or in writing.
- F. Within ten (10) working days after the PLDRC meets in public hearing to consider the plan and comments, a recommendation to the City Commission shall be made to:
 1. Issue a Final Development Order complying with this Code: or

2. Refuse to issue a Final Development Order because the development fails to comply with the conditions imposed by the Preliminary Development Order or the proposed development, even with reasonable modifications, fails to meet the requirements of this Code.
- G. On the earliest available date after PLDRC's final review, the City Commission shall determine whether the plan satisfies the requirements of this Code. The City Commission shall direct the appropriate City official to:
1. Issue a Final Development Order complying with this Code: or
 2. Refuse to issue a Final Development Order because the development fails to comply with the conditions imposed by the Preliminary Development Order or the proposed development, even with reasonable modifications, fails to meet the requirements of this Code.
- H. Final Development Plans/Orders shall not be valid for more than one (1) year from date of approval except as follows:
1. Project is in process and active construction is continuing in good faith.
 2. Request for extension in writing including reasons for the extension request and any support material required and approved by the City Commission or appropriate City official. Request shall be submitted at least thirty (30) days prior to the expiration date. Extensions shall not be for more than six (6) months and no more than two extensions per project/development will be reviewed.
 3. Approval of extension requests shall not be granted automatically by the City Commission or appropriate City official but shall be reviewed in reference to this Code and other city, county, state or federal requirements and the reasons provided.

11.03.07 Required and Optional Contents of Final Development Orders

A. Required Contents:

A Final Development Order shall contain the following:

1. A determination that, where one required, a valid Preliminary Development Order exists for the requested development.

2. An approved Final Development Plan with findings and conclusions.
3. A determination that all conditions of the Preliminary Development Order have been met.
4. If modifications must be made to the development plan before a Final Development Order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
5. A specific time period during which the Development Order is valid and during which time development shall commence. A Final Development Order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.
6. A commitment by the City to the following:
 - a. The necessary facilities shall not be deferred or deleted from the Capital Improvements Element or the adopted one-year capital budget unless the subject Final Development Order expires or is rescinded prior to the issuance of a certificate of occupancy.
 - b. Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.
7. A determination that the concurrency requirements have been met.

B. Optional Contents.

A Final Development Order may contain:

1. A schedule of construction phasing consistent with availability of capacity of one or more services and facilities.
2. A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate of occupancy or within specified time periods.
3. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument.
4. A bond in the amount of one hundred ten percent (110%) of the cost of services or facilities that the applicant is required to construct,

contract for construction, or otherwise provide.

5. Such other conditions as may be required to ensure compliance with the concurrency' requirement.

11.04.00 PROJECT PHASING

11.04.01 General

A Phasing Plan for the entire development site must be approved for a development that is to be developed in phases. The phasing plan shall be submitted simultaneously with an application for review of the development plan for the first phase of the development and must be approved as a condition of approval of the plan for the first phase. A development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

11.04.02 Phasing Plan Submittal Requirements

In addition to the general plan submittal requirements, a Phasing Plan shall provide the following information for the entire development:

- A. A Concept Plan for the entire Phasing Plan area.
- B. A Development Plan for the first phase or phases for which approval is sought.
- C. A development phasing schedule including the sequence and requirements for each phase as follows; approximate size of the area in each phase; and proposed phasing of construction of public recreation and Common Open Space areas and facilities.
- D. Total acreage and gross intensity (non-residential) and gross density (residential) of each phase.
- E. Number, height and type of residential units.
- F. Floor area, height and types of office, commercial, industrial and industrial area.
- G. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
- H. Approximate location and acreage of any proposed public use such as parks,

school sites, and similar public or semi-public uses.

- I. A vicinity map of the area within one (1) mile surrounding the site showing:
 - 1. Land use designations and boundaries.
 - 2. Traffic circulation systems.
 - 3. Major public facilities.
 - 4. Municipal boundary lines.
- J. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the PLDRC Chairman or appropriate City official.

11.05.00 PLATTING - SUBDIVISION

11.05.01 General

Where proposed development includes the subdivision of land, the PLDRC shall review in public hearing and make recommendations to the City commission. The final approval of the development plan by the City Commission shall be made contingent of a plat conforming to the development plan.

11.05.02 Review by PLDRC

- A. A plat conforming to the development plan and the requirements of Chapter 177, *Florida Statutes*, shall be submitted to the PLDRC for review and recommendation to the City Commission for approval/disapproval.
- B. Final Plats shall be prepared in accordance with the following requirements:
 - 1. The Final Plat shall be drawn with black drawing ink on mylar, using sheets thirty-six (36) inches by twenty-four (24) inches. Each sheet shall have marginal line completely around the sheet placed to leave a three-inch binding margin on the left and one-inch margin on the other three (3) sides. Final Plats shall meet all the requirements of Chapter 177, *Florida Statutes* or other law as required. The Final Plat shall be so certified by the land surveyor. The Final Plat shall be at a scale of not more than one hundred (100) feet to the inch. All dimensions shall be to the nearest-hundredth of a foot and angles to the nearest second of a degree.
 - 2. The Final Plat shall constitute only that portion of the approved

development plan which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this Code.

3. The Final Plat shall contain certifications as required by Chapter 177, Florida Statutes; of owners showing dedications; of surveyor confirming correctness; of PLDRC approval; and for Clerk of Circuit Court recording as well as City Engineer. Signatures of owners must be in conformance with Florida Statutes, Section 692.01 (for corporation), or Chapter 689 (for individual);
4. A certificate of consent and approval by mortgagee on the Final Plat or as a separate instrument.
5. A metes and bounds description of lands to be subdivided, from which and without reference to the Final Plat, the starting point and boundary can be determined. Legal description to contain the appropriate section, township, and range and the words "City of Lake Helen, Volusia County, Florida":
6. Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words "section", "unit" "replat", "amended", and the like. The name of the development shall be indicated on every page.
7. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout several additions.
8. All interior excluded parcels shall be clearly indicated and labeled "Not part of this plat/development."
9. All contiguous properties shall be identified by development title, plat book; and page, or if the land is unplatted, it shall be so designated. If a subdivision to be platted is a resubdivision or a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. All abutting existing easement and rights-of-way must be indicated. The abutting existing rights-of-way must be indicated to the center line.

10. Restrictions pertaining to the type and use of existing or proposed improvements, waterways open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the Development Plan for recordation.
 11. Where the development includes private streets, ownership and maintenance association documents shall be submitted with the Development Plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the City or any other public agency.
 - a. All man-made lakes, ponds, and other man-made bodies of water excluding retention/detention areas shown on the Development Plan shall be made a part of adjacent private lot(s) as shown on the Final Plat. The ownership and/or maintenance of these bodies of water shall not be dedicated to the public unless approved by the City.
- C. The PLDRC shall determine whether the plat conforms to the approved development plan and the requirements of Chapter 177, Florida Statutes. If the PLDRC determines that the plat so conforms, it shall be placed on the next available agenda of the City Commission for approval. If it does not conform, the PLDRC shall explain the deficiency in the plat to the developer and inform him that a corrected plat may be resubmitted for approval.

11.05.03 Requirements for Final Plat Approval Recording

The recording of the Final Plat shall be made only pursuant to certification of adequacy of the following list of required submittals by the City Attorney as appropriate.

A. Bonds

The approval of any plat shall be subject to the subdivider guaranteeing the installation of all infrastructure i.e., storm drainage facilities, bulkheads, streets and water and sewer lines or other required improvements by filing a performance bond or bonds executed by an approved corporate surety company in the amount of one hundred ten (110) percent of the construction cost, including landfill. Cost for construction shall be (1) estimated by the subdivider's engineer, or (2) a copy of the contract provided. The amount of the performance bond must be approved by the City.

In lieu of performance bonding, improvements may be installed following

Final Plat approval preceding Final Plat recording. The plat cannot be recorded until a Certificate of Acceptance has been issued and the City is in receipt of the maintenance bond. Bonding requirements may also be met by the following, but not limited to:

1. Escrow deposit
Cashier's check
Certified check
2. Other's, as approved by the City Commission, which may include developers-lender-city agreement for providing public improvements, assignment of interest-bearing certificate of deposit, or irrevocable and unconditional letter of credit.
3. All construction cost documents shall be signed and sealed where appropriate.

B. Covenants

Any protective deed covenants or restriction to be placed on the property shall be notarized and in a form suitable for recording.

C. Title Certificate

A certificate of ownership, signed by a licensed attorney at law or an abstract company, licensed to practice in the state of Florida, in form approved by the City Attorney, and showing;

1. Parties executing plat are owners of the land embraced by the plat
2. All mortgages, liens or other encumbrance
3. That all City taxes and assessments are paid to date
4. Description of plat is correct
5. No conflicting right-of-way, easements, or plats exist.

D. Development Agreement

If determined necessary by the City to secure the future performance of any conditions imposed by the City or representations made by the developer, an executed development agreement in a form acceptable to the City may be required. In such event the developer shall be required to pay all cost involved in the preparation and in the recording of such agreement.

- E. Prior to the approval of any plat, addresses will be obtained by the developer from the City in accordance with the established addressing system. The developer shall provide the City with a reduced copy of the plat, with the individual sheets no larger than eleven (11) inches by seventeen (17) inches. The reduced plat shall be submitted at least thirty (30) days prior to any site work or recording whichever is first.

11.05.04 Vacating of Plats

Applications to vacate a plat shall be subject to Chapter 177, *Florida Statutes*, and applicable City requirements for vacating procedures.

11.06.00 GUARANTEES AND SURETIES

11.06.01 Applicability

- A. The provisions of this section apply to all proposed developments in the City, including private road developments.
- B. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency.
- C. This section does not modify existing agreements between a developer and the City for developments platted and final developer orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

11.06.02 Improvements Agreements Required

The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

- A. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
- B. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) year from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first.
- C. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:

1. Estimate prepared and provided by the applicant's engineer.
 2. A copy of the executed construction contract provided.
- D. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
- E. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the City shall utilize the security provided in connection with the agreement.
- F. Provision of the amount and type of security provided to ensure performance.
- G. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by the City.

11.06.03 Amount and Type of Security

- A. The amount of the security listed in the improvement agreement shall be approved as adequate by the City Engineer and/or the official responsible for utility services.
- B. Security requirements may be met by but are not limited to the following:
1. Cashier's check
 2. Certified check
 3. Developer/Lender/City/County Agreement
 4. Interest Bearing Certificate of Deposit
 5. Irrevocable Letters of Credit
 6. Surety Bond
- C. The amount of security shall be one hundred and ten percent (110%) of the total construction costs for the required developer-installed improvements. The amount of security may be reduced commiserate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than one hundred and ten percent (110%) of the cost of completing the remaining required improvements.

11.06.04 Completion of Improvements

- A. When improvements are completed, final City acceptance is subject to the criteria for the City acceptance of infrastructure as defined in this Code.
- B. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with applicable requirements above.

11.06.05 Maintenance of Improvements

- A. A maintenance agreement and security shall be provided to assure the City that all required improvements shall be maintained by the developer according to the following requirements:
 - 1. The period of maintenance shall be a minimum of one (1) year.
 - 2. The maintenance period shall begin with the acceptance by the City of the construction of the improvements.
 - 3. The security shall be in the amount of ten percent (10%) of the construction cost of the improvements.
 - 4. The original agreement shall be maintained by the City Engineer or the official responsible for utility services.
- B. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
 - 1. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, Florida Statutes, common facilities and property shall be conveyed to the condominium's association pursuant to that law.
 - 2. When no condominium is to be organized, an owners' association, Community Development District or other similar entity shall be created, and all common facilities and property shall be conveyed to that association.
 - 3. No Development Order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the City Attorney.
- C. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created

by covenants running with the land. Such covenants shall be included with the Final Plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City.

11.07.00 PROCEDURES FOR OBTAINING A MINOR REPLAT

11.07.01 Review by PLDRC

A. General

The PLDRC may hear an application for a Minor Replat, as defined by this Code, conforms to the requirements of this Part and make recommendations to the City Commission.

B. Submittals

Submittal for a Minor Replat shall consist of the following:

1. An application form provided by the City accompanied.
2. Seven (7) paper copies of the proposed Minor Replat.
3. A statement and plan indicating that existing water, sanitary sewer service drainage and or improved public right-of-way is in conformance with this Code.
4. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.
5. The general information described in the General Plan Submittal Requirements in Section 11.03.03 - 1.

C. Review Procedure

If the proposed Minor Replat meets the conditions of this Section and otherwise complies with all applicable laws and ordinances, the plan will be scheduled before the City Commission for review and approval.

11.07.02 Recordation

Upon approval of the Minor Replat, the City Engineer shall record the replat once

all requirements for plat recording have been satisfied as defined within this Code.

11.07.03 Restrictions

No further division of an approved Minor Replat is permitted under this section, unless a development plan is prepared and submitted in accordance with this Article.