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**SECTION 3. CODIFICATION.** It is the intent of the City Council of the City of Dunnellon that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

**SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION 5. CONFLICTS.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the first reading and public hearing on the 16th day of August, 2018.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 11th day of September, 2018.

Public hearing advertised on the City’s website on July 6, 2018 and advertised in the Riverland News on August 9, 2018 and September 6, 2018 and in the Ocala Star Banner on August 10, 2018 and September 6, 2018. Final draft ordinance posted on the City’s website on August 14, 2018.

ATTEST:  
  
\_\_\_\_\_  
Amanda L. Roberts, CMC  
City Clerk

**CITY OF DUNNELLON**  
  
\_\_\_\_\_  
Richard Hancock, Vice-Mayor

Approved as to Form:  
  
\_\_\_\_\_  
Andrew J. Hand, City Attorney

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**CERTIFICATE OF POSTING**

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**I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, this 15th day of August, 2018 and on the City's Official Website the 14th day of August 2018.

Chapter 97 - CONSERVATION SUBDIVISION

ARTICLE I. - IN GENERAL

Sec. 97-1. - Definitions.

The conservation subdivision shall be subject to the same definitions and terms that are defined for conventional subdivisions in Chapter 98 of this code. In addition, 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.

~~Conservation subdivision, a residential use of agriculturally designated property that is based on the number of lots permissible, but where the size of individual lots is reduced and where half or more of the buildable land area is designated as undivided, permanent open space, reserved in perpetuity.~~ means an alternative subdivision design approved for a property designated agriculture on the future land use map and Agriculture-1 on the zoning map, where a density of one unit per five gross acres is authorized, provided that the subdivision is designed to cluster lots to achieve common open space and comply with other design requirements, and to protect and manage conservation resources in perpetuity through the use of an open space management plan and conservation easements.

~~Open space management plan~~ means a plan that establishes management objectives, outlines procedures, and defines responsibilities for maintaining the designated primary and secondary conservation areas.

~~Conservation easement~~ means a legally enforceable agreement ~~permitting the easement holder (or other co-signers) to take action to prevent alterations to the designated land, and to require that incursions be removed and that the land be restored to its preexisting state, if altered in a manner not allowed by the easement.~~ between the grantor, including all successors in interest and assignees, and the grantee, which is recorded as a deed restriction that defines the activities which may or must occur within the easement and which grants the grantee legal authority to enforce the terms of the conservation easement.

~~Environmentally sensitive area, Conservation resources~~ means any land area containing ~~threatened or endangered plants or habitats~~ surface waters, wetlands, habitat communities, listed species, floodplains, soils subject to erosion, stream corridors, with severe slopes (> 15%), high aquifer recharge or discharge areas, wetlands, scenic view corridors, and areas of karst topography such as sinkholes areas (>12 inches), sinkholes, archaeological sites or historic sites.

(Ord. No. 2008-12, § 1, 1-12-2009)

Sec. 97-2. - Penalties.

The same penalties as provided in section 98-2, penalties, shall apply to violations of the provisions of this chapter.

(Ord. No. 2008-12, § 1, 1-12-2009)

Sec. 97-3. - Conflicting regulations or agreements.

Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law, ordinance, or regulation, then the provisions of this chapter shall govern. Whenever any provisions of any ordinance, law, or regulation are more restrictive than this chapter, then such ordinance, law, regulation or restrictive covenant shall govern.

(Ord. No. 2008-12, § 1, 1-12-2009)

Sec. 97-4. - Purpose and intent.

- (a) ~~The conservation subdivision (CS) is intended to provide for flexibility of design in order to promote environmentally sensitive and~~ protect conservation resources, achieve efficient ~~uses~~ use of the land and other purposes as listed in subsection (b).
- (b) The purpose of the conservation subdivision is to provide a ~~residential use of agriculture lands in a manner that achieves~~ density incentive to maximize open space and cluster development to achieve one or more of the following ~~functions~~ outcomes:
- (1) ~~Promote the preservation of open space in environmentally sensitive areas, provide for open space connectivity, and provide for wildlife habitat and corridors within the region;~~ Avoid and minimize impacts to habitat communities, including direct habitat loss, habitat fragmentation and secondary impacts from development;
  - (2) Avoid and minimize impacts to listed species and support other wildlife by protecting their habitats, maintaining wildlife corridors and open space connectivity and limiting the extent of the roadway network;
  - (2) ~~Preserve in perpetuity unique or sensitive natural resources such as~~ 3) Maintain or improve surface and groundwater water quality and quantity by protecting wetlands, surface waters and shoreline buffers; maintaining floodplain functions and high groundwater recharge areas; floodplains, wetlands, streams, shorelines, woodlands, and wildlife habitat; minimizing soil erosion, deposition and turbidity; and providing for low impact stormwater design;
  - (3) ~~Preserve important~~ 4) Provide scenic views and opportunities for passive recreational activities within conservation areas;
  - (5) Maintain rural character and compatible rural land uses within common open space areas;
  - (6) Minimize the extent and resulting cost of the roadway and utility network required to serve the conservation subdivision;
  - (7) Preserve historic and archaeological sites;
  - (4) ~~Require clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; and~~ 8) Promote walking, bicycling and other alternatives to automobile use by clustering residential and non-residential uses, including parks, civic uses and limited commercial uses in proximity to each other; and
  - (5) ~~Mitigate erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.~~ 9) Provide mechanisms to ensure the protection, appropriate use and maintenance of required conservation areas in perpetuity;

(Ord. No. 2008-12, § 1, 1-12-2009)

Sec. 97-5. - Applicability.

The conservation subdivision alternative shall be applied only to land in the agricultural (A-1) zoning district.

(Ord. No. 2008-12, § 1, 1-12-2009)

Secs. 97-6—97-30. - Reserved

ARTICLE II. - COMPLIANCE WITH CONVENTIONAL SUBDIVISION REQUIREMENTS

Sec. 97-31. - Administration and enforcement.

The conservation subdivision shall be subject to the same administration and enforcement regulations, chapter 98, article II, as apply to conventional subdivisions.

(Ord. No. 2008-12, § 1, 1-12-2009)

Sec. 97-32. - Platting and procedures.

- (a)—~~Platting. Maps and plats~~ Plats are to be prepared by a registered surveyorsurveyor and construction plans and specifications for required improvements shall be prepared by a registered engineer. The ~~subdivider or~~ developer shall present a letter to the planning commission certifying that he has employed a registered surveyor ~~or an engineer (naming him or them) to prepare the plat and the plans, and specifications for required improvements, and an engineer for these purposes, and shall specify the individuals or firms.~~
- (b)—~~Procedures.~~ No building permits and no public improvements or services shall be authorized or installed for any conservation subdivision ~~until~~ prior to obtaining approval ~~has been granted for~~ of the subdivision plat. Procedures for application, review, and approval of preliminary and final plats, and acceptance of public improvements, are set forth in chapter 98, article III.

(Ord. No. 2008-12, § 1, 1-12-2009)

Sec. 97-33. - Plans and data.

- (a)—~~Pre-application plans and data. In combination with~~ requirements. In addition to the requirements of ~~section~~ Section 98-~~40,81 and 98-101,~~ the following additional pre-application materials shall be provided for a conservation subdivision ~~shall include a:~~
- (1)—Site analysis map depicting significant site features, ~~consistent with the requirements of as set forth in~~ sections 97-46(c) and 98-161 through 98-165 for the protection of natural resources and environmentally sensitive lands ~~45 and 97-46;~~ and
  - (2)—Generalized location of primary and secondary open space areas, per section 97-46.
  - ~~(3)— All required elements shall be submitted prior to presentation to the planning commission.~~
- (b)—~~Conditional acceptance or approval. In addition to other plans and data requirements in section~~ Preliminary plat approval. The preliminary subdivision shall be prepared and submitted according to the requirements of sections 74-64 and 98-102, ~~the plans and data submitted for a conservation subdivision and~~ shall include a: draft of the following:
- (1)—Plan for long term management of conservation areas;
  - (2) Plan for management of other common open space, such as active parks, and common facilities; and
  - ~~(2)— Draft conservation easement for permanent~~ (3) Conservation easement specifying the grantee and defining the responsibilities of the grantee regarding protection of designated open space and maintenance of habitat areas.
- (c)—~~Plans and data for final acceptance or~~ Final plat approval. The final plat shall be prepared and submitted according to the requirements of section 98-103. In addition, the following documents shall be provided:
- (1)—Conservation easement, in form for recording.
  - (2)—Final management plan for conservation areas, other open space and common facilities.

(Ord. No. 2008-12, § 1, 1-12-2009)

Sec. 97-34. - Required improvements.

All required improvements as provided in chapter 98, article V, shall be required within a conservation subdivision, except as provided herein.

- (1)—Potable water. Conservation subdivisions shall provide connection to the municipal water system providing that such system is available within 1,000 feet of the property. Where such municipal

system is not available within 1,000 feet of the proposed subdivision, individual wells or an alternative community water system shall be provided on a temporary basis, provided that it can be demonstrated central services will be available within five years based on an adopted capital improvement schedule.

- (2)—~~Sanitary sewer systems.~~ Conservation subdivisions shall provide ~~for central sanitary sewage treatment facilities as required in section 98-216. Central sanitary sewage treatment is deemed to include community treatment facilities, provided that such facilities shall be Type I or Type II, and shall provide~~connection to the municipal water system providing that such system is available within 1,000 feet of the property. Where such municipal system is not available within 1,000 feet of the proposed subdivision, an on-site treatment and disposal system may be allowed on a temporary basis, provided that it can be demonstrated central services will be available within five years based on an adopted capital improvement schedule and provided that the lot is not located within 1,000 feet of a river, spring or natural waterbody. Conservation subdivisions with 50 or more residential lots shall be subject to the same requirement, except that the on-site system shall be a performance based on-site wastewater treatment and disposal system designed and permitted to achieve advanced wastewater treatment levels of not more than three mg/l of nitrogen. ~~The use of private septic tanks is prohibited.~~
- (3)—Stormwater management systems shall be designed and constructed to comply with standards provided by the city in addition to the following standards:
- a.—Retain on-site the runoff generated by a 25-year frequency, 24-hour duration storm for open basins, or a 100-year 24-hour duration storm for closed basins.
  - b.—The peak discharge rates from either the 25-year or the 100-year design shall not exceed predevelopment rates.
  - c.—Stormwater collection systems (including designs for minimum impacts to the natural water flow), transport systems, and allowable peak density rates comply, where applicable, shall meet the SWFWMD flood control criteria for stormwater quantity and quality [chapters 40D-4, 40D-40, and 40C-400, F.A.C.].
  - d.—Water quality treatment shall be provided for the discharge of stormwater runoff into waters and wetlands of the state by requiring that the first one-inch of runoff be retained on-site, or in the case of runoff entering any body of water designated an Outstanding Florida Water (OFW), the first one and a half inches shall conform to the standards used by SWFWMD and DEP.
  - e.—Best management practices shall be used to design stormwater management facilities and systems in order to reduce nitrate loading. These practices shall ~~include the standards set forth in this section~~be implemented to the extent feasible, as determined ~~applicable~~ by a professional engineer ~~licensed in the state~~, based on existing soils, depth to the water table, and other relevant site conditions.
  - f.—Vegetated areas or swales shall be used to direct stormwater to yard areas prior to discharge to the stormwater conveyance system.

(Ord. No. 2008-12, § 1, 1-12-2009)

Secs. 97-35—97-44. - Reserved

ARTICLE III. - DESIGN STANDARDS

Sec. 97-45. - General area requirements.

- (a)—The design standards in chapter 98, article IV shall be applicable to the conservation subdivision except as provided herein.
- (b)—~~A biological resource assessment shall be performed by an entity recommended by the planning commission and approved by the city council to determine the location of the most environmentally sensitive lands on the site. The planning commission and the city council shall require clustering of the~~

~~houses and their structures on less environmentally sensitive areas of the site.~~ An environmental assessment shall be performed by a qualified environmental consultant as required by Section 74-64(2) and shall demonstrate that the conservation subdivision is designed to cluster lots and to locate streets, utilities and stormwater management systems in the manner specified in that section.

(c) The conservation subdivision shall be designed to meet the following requirements:

- (1) Designation of open space pursuant to section 97-46.
- (2) Maximum number of dwelling units shall be limited to one unit per five gross acres as per the A-4 zoning district in accordance with Policy 1.8 of the Comprehensive Plan.
- (3) ~~Each building lot shall contain a minimum of two acres.~~ Single family lots that will be served by an on-site wastewater treatment and disposal system shall be of sufficient size to comply with the minimum standards required by the Marion County Department of Health.
- (4) ~~Clustering of residential development on remaining land after designation of primary and secondary conservation areas open space (see section 97-46).~~ All areas not included within primary and secondary conservation areas shall be considered residential areas. Permitted uses permitted within residential areas include single family dwelling units and accessory uses, utilities, roads, stormwater management, and residential-related uses including golf courses, clubhouses and active recreational uses. The subdivision shall be designed to cluster residential lots and residential-related uses to minimize the extent of roads required to serve the residential development. Sites reserved for public parks or other public uses shall be designated with the PK zoning district or Public zoning district.
- (5) ~~Location of dwellings and driveways to ensure minimal visual impact and to avoid interruption of views of open fields, pastures, or other agricultural areas.~~ Residential lots, residential-related uses, roads, utilities and stormwater management shall be located, arranged and configured to minimize direct and secondary impacts on primary and secondary conservation areas and as second priority to provide scenic views for lot owners.
- (6) ~~Limiting The impervious surface area to a maximum of three percent within designated open space areas and to a maximum of ratio shall be limited to 40% within residential lots and 60 percent within residential development areas. Residential areas are those areas outside the required open space.% within lots designated for residential-related uses, except for golf courses, which shall comply with Section 97-46(e)(6).~~
- (7) ~~The paved width of Local subdivision streets shall not be more than eighteen feet, with exceed eighteen (18) feet for pavement. Collector roads may include an additional two (2) feet adjacent to each lane for bike paths. Roadways shall be designed so that stormwater runoff from the roadway designed to flowflows to adjacent vegetated areas;. All roadways shall be located and designed to minimize loss of trees.~~
- (8) Conservation subdivisions shall comply with the requirements set forth in Chapter 74 for subdivision design as related to protection of trees.

(Ord. No. 2008-12, § 1, 1-12-2009)

Sec. 97-46. - Open space standards.

- (a) ~~All open space conservation areas shall be permanently protected in perpetuity through a conservation easement that is recorded in the county clerk of the courts office. The conservation easement is a permanent assignment of property designed to protect and preserve the open space designated in the conservation subdivision and shall be recorded to run with the property in perpetuity.~~
- (b) ~~The planning commission shall recommend and the city council shall require that the open space conservation easement include the most environmentally sensitive areas of the proposed subdivision.~~



(b) The designation of primary and secondary conservation areas shall be in accordance with the relative ranking of habitats as set forth in Section 74-64, except where the environmental assessment required by that section provides a scientifically-based rationale for changing the ranking based on the conditions of the habitat communities.

~~(c) The minimum open space in a conservation subdivision is 50 percent of the gross tract area, or the sum of open space required for primary conservation areas ~~(see section 97-46(e))~~, whichever is greater.~~

~~(d) The open space within a conservation subdivision shall be designed ~~to include~~ as follows:~~

~~(1) At least 50 percent of the required open space shall be in one contiguous tract.~~

~~(2) ~~The~~ To the maximum extent feasible, open space shall within conservation areas shall adjoin any neighboring areas of protected open space, other protected areas, and non-protected natural areas ~~that would be candidates for inclusion as part of a future area of protected open space.~~~~

~~(3) ~~Open space shall be directly accessible to the majority of lots within the subdivision. Non-adjointing lots shall be provided access to the open space with identified paths or other designated access.~~ Open space in conservation areas shall be configured in conjunction with the siting of lots within the residential area, such that lots shall be located the maximum possible distance from habitat areas in the following order of priority: habitat communities in the primary conservation area as first priority, habitat communities in the secondary conservation area as second priority and any habitat outside of the conservation areas as third priority. Lots shall not be located within any listed species' buffer areas defined by published guidelines or written recommendations from permitting agencies. Where lots are proximate to habitat, the lots shall be configured to minimize the extent of the lot abutting the habitat. The Open Space Management Plan shall include the design of trails and boardwalks in a manner which allows reasonable use of the primary and secondary conservation areas for passive recreation, accounting for any required listed species' buffers. Lots shall be provided with access to trailheads and other specified public use areas via local streets, sidewalks or paths located within the residential areas. Any proposed parking areas shall be located within the residential area.~~

~~(4) ~~Designation of the~~ The following ~~environmental features~~ conservation resources shall be designated as primary conservation areas:~~

~~a. The 100-year floodplain (see chapter 90);~~

~~b. Sinkholes;~~

~~c. River corridor protection areas (see chapter 78);~~

~~d. Wetlands that meet the definition in F.S. chapter 373;~~

~~e. Habitat for populations of endangered or threatened species; and~~

b. Wetlands

c. Habitat communities with documented use by listed species within the boundaries of the proposed subdivision;

d. Significant slopes (> 15%), high recharge areas (> 12" per year) and sinkholes;

~~f. Archaeological sites, cemeteries, and burial grounds.~~

~~(5) The following ~~features~~ conservation resources shall be included within the required open space, to the maximum extent feasible, and designated as secondary conservation areas:~~

a. Disturbed habitats;

b. 100-year floodplain;

c. Important historic sites;

~~b. Existing healthy, native forests of at least one d. Tree stands greater than one-half acre in contiguous area; size and not otherwise defined as part of a habitat community;~~

~~c. Other significant natural features and scenic vistas such as ponds, or other surface waters.~~

(e) ~~Designated open~~ Open space areas may be used for the following activities:

(1) ~~Conservation of natural, archeological, or historical resources including meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented~~ Primary conservation areas shall be limited to conservation activities related to conservation resources; unpaved walking or bicycle trails or paths; or, boardwalks and viewing platforms and other passive recreation areas, such as open fields.

(2) ~~Up to ten percent of the required open space may be used for active recreation areas, such as playgrounds or playing fields, provided that:~~ Secondary conservation areas may be used for any of the activities listed for primary conservation areas. Active recreation areas are allowed, provided that such areas do not encroach within habitat communities, do not require construction of roadways through habitat communities for access, are limited to daytime hours and minimize impervious surfaces so as not to exceed an aggregate area greater than five percent of the secondary conservation area or one acre, whichever is less. Stormwater retention shall be provided to capture and treat stormwater runoff from any impervious areas.

~~a. These activities are located within the secondary conservation areas; and~~

~~b. Impervious surfaces are limited to a maximum of three percent as provided in Section 97-45(c)(6).~~

(3) ~~Open space areas not located within the conservation areas may be utilized for the following activities:~~

~~a. Residential-related uses including golf courses, as specified in the subsection, recreational clubhouses and active recreational uses.~~

~~b. Agriculture, horticulture, and silviculture, or pasture~~ uses may be allowed to continue prior to commencement of vertical development as conditional uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within ~~primary conservation~~ wetlands, habitat communities and river corridor protection areas;

~~c. Horticulture activities;~~

(4) ~~d. Easements for drainage, access, and underground utility lines; and landscaped areas around stormwater management facilities and community wastewater disposal systems, provided that the stormwater management facilities or wastewater disposal system is located outside of primary conservation areas.~~

(5) ~~Retention or detention ponds provided that no more than 20 percent of the required open space is used for this purpose and that the retention or detention ponds are located only within the secondary conservation area. Ponds are prohibited within the primary conservation area.;~~

~~e. Stormwater management ponds;~~

~~f.~~

(6) ~~Golf courses may count as 25 percent of the required open space~~ be allowed, provided that the minimum open space requirements for the primary conservation area are met. The golf course design provides for reuse of water, provision of natural wooded areas, and ~~and management shall provide for reuse of water, minimize tree removal and habitat impact, maintain areas in their natural state those areas not utilized for fairways, greens and other components of the course, and maintain~~ unfertilized or uncultivated ~~open space~~ natural areas. Such practices shall be made a part of the golf course design as required below:

~~a. 1.~~ 1. Submit a natural resource management plan that certifies compliance with the following standards during design, construction and management;

- i.—All nutrients shall be applied only through irrigation;
  - ii.—The management plan shall provide that irrigation shall be with the reuse of reclaimed water only and not exceed one-half inch of water per day and shall be limited to two days per week;
  - iii.—The management plan shall demonstrate that pesticides and herbicides will be managed to limit the potential for such materials reaching the ground water. Nutrients shall comply with the recommendations from the University of Florida, Institute of Food and Agricultural Sciences, in Bulletin SL 191, *Recommendations for N, P, K, and Mg for golf course and Athletic Field Fertilization*. [Any such application shall be consistent with Policy 1.11.E of the Comprehensive Plan.](#)
  - iv.—Roughs shall not be irrigated except with reuse or reclaimed water.
  - v.—Golf course design shall include special under-draining of tees and greens to lead nutrient-laden water to a treatment area where excessive nutrients can be removed or to other construction features to reduce infiltration of these chemicals.
- (f)—The following features and uses shall not be included as part of the required open space:
- (1)—Roads, parking lots, and impervious surfaces;
  - (2)—Personal property storage areas for such equipment as boats, trailers, and recreational vehicles;
  - (3)—~~Required front, side, and rear yards of residential lots; and,~~ [Open space within development lots;](#)
  - (4)—Street medians, swales, and shoulders.

(Ord. No. 2008-12, § 1, 1-12-2009)

ARTICLE I. - IN GENERAL

Sec. 98-1. - Definitions.

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

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

*Building* includes the word "structure" and shall be construed as if followed by the phrase "or part thereof."

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

*Developer* ~~means~~ is defined pursuant to s. 163.3164, Florida Statutes, which is hereby by incorporated by reference and includes a person, or his agent, who undertakes the activities covered by this chapter, particularly the preparation and presentation of a subdivision plat ~~or land development plan~~ showing the layout of the land and the improvements involved thereon. ~~Inasmuch as the subdivision plat is merely a necessary means to the end of ensuring a satisfactory development, the term "developer" includes the term "subdivider," even though the identity of persons involved in successive stages of a project may vary.~~

*Developer's Development agreement* means ~~the~~ an agreement entered into between the developer and the city pursuant to Section 163.3220, F.S., defining in detail the responsibility of both parties and the conditions for acceptance and recording of the plat.

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

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

*Half or partial street* means a street, generally parallel and adjacent to the boundary line of a tract, having a lesser right-of-way width and improvement than required for a full width of the type involved.

*Improvements, public,* means any of the following, which are listed only for the purpose of illustration and emphasis: streets, pavement, with or without curbs and gutters; sidewalks, alleys and alley pavement; water mains; sanitary sewers; storm sewers or storm drainage; street name signs; street trees, etc.

*Land* includes the water surface and land under water.

Lot means a parcel of land of at least sufficient size to meet the minimum requirements of the zoning code of the city as to use, coverage and area, and to provide such yards and open spaces as are required by the zoning code.

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

*Plat* means a map, diagram or graphic representation of the subdivision of real property ~~which has been subdivided into lots, plots or parcels and showing such facilities and~~ into lots and which depicts public improvements as ~~may be~~ required under by F.S. Chapter 177 and this chapter. The verb "to plat" shall mean to make or prepare a plat.

~~Plot includes the word "lot" or "parcel." A lot or plot is a parcel of land of at least sufficient size to meet the minimum requirements of the zoning code of the city as to use, coverage and area, and to provide such yards and open spaces as are required by the zoning code. A lot is also identified as a single unit in a subdivision.~~

Public improvements may include, but are not limited to, street pavements, curbs and gutters, sidewalks, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street

[names, signs, landscaping, permanent reference monuments \(P.R.M.s\), permanent control points \(P.C.P.s\), monuments, or any other improvement as referenced in this Chapter.](#)

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

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

*Street* means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, ~~land~~, or place, or however otherwise designated. Where width is designated, such width is right-of-way width [unless otherwise indicated](#).

*Street, collector*, means a street with a right-of-way of at least 80 feet which, in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within a development.

*Street, major arterial*, means a street or highway used primarily for fast and heavy traffic traveling considerable distances with a width or right-of-way of ~~150~~ [120](#) feet or more [and shall be consistent with the functional classification of principal arterials](#).

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

*Street, minor*, means a street used primarily for access to abutting properties and not for through traffic with a width or right-of-way of at least ~~100~~ [60](#) feet.

*Street, secondary arterial, and section line road* ~~mean~~ [means](#) a street or highway used primarily for through traffic with a width or right-of-way of at least 100 feet. ~~and shall be consistent with the functional classification of minor arterials. Section line roads are typically classified as such.~~

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

*Surveyor* ~~means a land~~ [shall have the same meaning as "Professional](#) surveyor ~~registered in the state and mapper"~~ [set forth in Section 177.031, F.S., and is](#) engaged by the developer to survey and prepare the plat of the land proposed for subdivision.

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

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

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

(Code 1985, § 22-1)

**Cross reference**— Definitions generally, § 1-2.

Sec. 98-2. - Penalties.

(a) — Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a violation of this chapter. Any person who violates this chapter or fails to comply with its requirements shall upon conviction thereof be fined no more than \$500.00 or imprisoned for not more

than 60 days, or both. ~~Each~~ Upon notice of a violation, each day such violation continues thereafter shall be considered a separate offense.

- (b) —The owner or tenant of any building, structure, premises or part thereof, and any engineer, architect, surveyor, builder, contractor, agent or other person, who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section.

(Code 1985, § 22-104)

Sec. 98-3. - Conflicting regulations or agreements.

Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law, ordinance, regulation or restrictive covenant, then the provisions of this chapter shall govern. Whenever any provisions of any ordinance, law, regulation or restrictive covenant are more restrictive than this chapter, then such ordinance, regulation, law or restrictive covenant shall govern.

(Code 1985, § 22-103)

Sec. 98-4. - Resubdivision adopted.

The map or plat of "Minnetrista," Dunnellon, Marion County, Florida, filed April 13, 1926, and recorded in Plat Book D at pages 37, 38 and 39 of the public records of the county, and all public streets, avenues, alleys and passageways shown on the map or plat of Minnetrista, are hereby accepted, ratified and approved. All former public streets, avenues, alleys and passageways ~~embraced~~ in Minnetrista as were heretofore shown on the map or plat of the Townsite of Dunnellon, filed December 1911, and recorded in Plat Book A at pages 174, 174B, 175 and 176 of the public records of the county, and as are not shown on the map or plat of Minnetrista are hereby closed and forever abandoned as public streets, avenues, alleys and passageways in the Town of Dunnellon, Florida; provided that this section shall not affect any of the public streets, avenues, alleys and passageways shown on the map or plat of the "Townsite of Dunnellon" which are not ~~embraced~~ depicted in the Minnetrista plat.

(Code 1985, § 22-2)

Sec. 98-5. - Purpose and intent.

- (a) —Land subdivision is the first step in community development. Once land has been subdivided into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. ~~Subdivided land sooner or later becomes a public responsibility, in that roads, drainage and utilities must be provided.~~ The welfare of the entire city is directly affected by land subdivision. It is to the interest of all taxpayers and citizens, the developer and future residents that subdivisions be conceived, designed and developed in accordance with sound practice and appropriate standards.
- (b) —The purpose of this chapter is to ~~provided~~ provide for harmonious development within the city, in making adequate provision for traffic, light, air, recreation, transportation, potable water, flood prevention, drainage, sewage treatment, and other facilities and services consistent with the requirements of the city's concurrency management system.
- (c) —In addition to the minimum requirements for construction of such improvements as roads and drainage, compliance with the intent of this chapter requires that good design be practiced in land development planning, valuable and scenic natural features be conserved, and adequate open space be made available for public use. Subdivision design ~~should~~ shall be adapted to the peculiarities and opportunities of the site, should utilize contemporary imaginative design and should avoid monotonous repetition of pattern, ~~wasteful gridiron layouts~~ and long, straight minor or collector streets. Size, shape and orientation of lots and blocks should be carefully considered with relation to future use of the various lots to be created.

- (d)—No ~~development~~building permits shall be ~~permitted~~issue by the city until the applicant has demonstrated that all proper state and federal permits have been received.
- (e)—It is intended that this chapter shall be liberally construed to accomplish its stated purposes.

(Code 1985, § 22-3)

Sec. 98-6. - Jurisdiction.

The regulations set out in this chapter shall apply to all lands presently within the incorporated limits of the city and to any lands which may in the future be annexed to and be made a part of the city. No land shall be subdivided, and no building or structure or any part thereof constructed, in any area that has been subdivided after the effective date of the ordinance from which this chapter is derived, unless such subdivision conforms to the provisions of this chapter.

(Code 1985, § 22-4)

Sec. 98-7. - Exceptions.

- (a)—*Existing recorded subdivisions.* This chapter shall not apply to subdivisions which have been approved by the council and recorded prior to the effective date of the ordinance from which this chapter is derived, except that any re-plat or addition to subdivision shall be subject to this chapter.
- (b)—*Existing unrecorded subdivisions.* All other unrecorded subdivisions, plats or surveys in existence on the effective date of the ordinance from which this chapter is derived shall not be required to comply with this chapter for ~~thesale~~the sale and conveyance of the lots, parcels or tracts.
- (c)—*Criteria for finding that subdivision was in existence prior to effective date.*
- (1)—As a prerequisite to a finding that a subdivision was in existence as of the effective date of the ordinance from which this chapter is derived, the council shall determine that:
- a.—The subdivision shall have been surveyed, staked and mapped by a licensed surveyor or registered engineer and the surveyor or engineer shall certify that such subdivision was surveyed, staked and mapped on or before such effective date.
- b.—The roads shown on such map or plat shall have been completed to the point of providing access to the lots, parcels or tracts shown on such map or plat.
- (2)—Alternatively, a subdivision shall be deemed to have been in existence on such effective date if 20 percent of the lots, parcels or tracts in such subdivision had been sold, conveyed or were on a contract for sale or deed as of such effective date, which sales, conveyances or contracts shall be bona fide arms-length sales in the open market to individual purchasers.
- (3)—The section shall not be applicable unless the developer of such subdivision shall file with the council six copies of a plat of such subdivision within 60 days of the effective date of the ordinance from which this section is derived. Any resurvey or replatting of any such subdivisions, plats or surveys shall comply with this chapter.

(Code 1985, § 22-5)

Sec. 98-8. - Applicability.

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

(Code 1985, § 22-6)

Secs. 98-9—98-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT<sup>2</sup>

Footnotes:

--- (2) ---

**Cross reference**— Administration, ch. 2.

Sec. 98-31. - Inspections.

For the purpose of generally enforcing and administering this chapter, the ~~community development director~~Community Development Manager or his duly authorized representative shall make such necessary inspections before, during and after the construction of the work so that the ~~zoning board~~Planning Commission and the council may currently be informed of the status of the development and so that the ~~community development director~~Community Development Manager may generally assist all agencies and persons involved in the work to maintain the standards set by this chapter.

(Code 1985, § 22-101)

~~Sec. 98-32. - Variances.~~

~~(a) Hardship. Where the zoning board finds that extraordinary hardships may result from strict compliance with this chapter, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the city plan for development or this chapter. Such variances shall be specified in the developer's agreement.~~

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

~~(c) Conditions. In granting variances and modifications, the zoning board may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so modified or varied.~~

~~(Code 1985, § 22-102)~~

Secs. 98-~~33~~32—98-60. - Reserved.

ARTICLE III. - PLATS

DIVISION 1. - GENERALLY

Sec. 98-61. - Preparation.

~~Maps and plats~~Plats are to be prepared by a registered ~~surveyors~~surveyor and construction plans and specifications for required improvements shall be prepared by a registered engineer. The ~~subdivider or~~ developer shall present a letter to the ~~zoning board~~Planning Commission certifying that he has employed a registered surveyor and/or ~~engineer (naming him or them) to prepare the plat and the plans and specifications for required improvements.~~ engineer for these purposes.

(Code 1985, § 22-21)

Secs. 98-62—98-80. - Reserved.

DIVISION 2. - PROCEDURES

Sec. 98-81. - Pre-application procedure.



- (a) ~~Previous to the filing of an application for conditional approval of the preliminary plat, the developer or subdivider shall submit to the zoning board, through the community development director, plans and data as specified in section 98-101. This step does not require formal application, a fee or filing of a plat with the zoning board. The specified plans and data shall be filed with the community development director, who will in turn refer the material to the appropriate city department for review, comment, criticism and suggestion. The community development director shall compile such comments, criticisms and suggestions and only after confirming the accuracy and completeness of the material and comment, the community development director shall submit that information with the pre-application plans and data to the zoning board.~~ Prior to filing a preliminary plat application, the developer shall request submit in writing a request for pre-application meeting with the Community Development Manager along with the pre-application materials required in Section 98-101. The pre-application conference shall be scheduled within approximately two weeks following the request. The Community Development Manager shall determine the appropriate City staff that will attend the meeting. The purpose of the pre-application meeting shall be to review the code requirements for the platting process and for the developer to present the pre-application materials. This step does not require a fee.
- (b) ~~Within 60 days after receipt by the zoning board of the pre-application material, the zoning board shall review the pre-application material for accuracy, completeness, and timeliness of the information provided. After review, the zoning board shall provide the developer or subdivider with a written summary of the comments, criticism and suggestions along with a statement that the plans and data as submitted or as modified do, or do not, meet the objectives of this chapter. In the event the plans and data do not meet the objectives of this chapter, the pre-application process shall end and the developer or subdivider may begin a new application process under subdivision (a) of this section.~~

(Code 1985, § 22-22; Ord. No. 2007-17, § 1, 6-25-2007)

Sec. 98-82. ~~Conditional approval of preliminary~~ Preliminary plat and approval of construction plans.

- (a) ~~On reaching conclusions informally, as outlined in section 98-81, regarding his general purposes and objectives, the developer will prepare a preliminary plat, together with improvement and construction plans and other supplementary material as specified in section 98-102.~~ The developer shall submit a preliminary plat application following the mandatory pre-application meeting required by section 98-81. The preliminary plat shall be prepared as specified in section 98-102. The Community Development Manager shall determine if the preliminary plat application is complete. The process and timeframes set forth in Section 74-63(d) shall apply to the completeness determination.
- (b) ~~Four~~ Following the completeness determination, the Community Development Manager shall distribute the preliminary plat application to city departments for review and shall prepare a consolidated staff report evaluating compliance with code requirements and providing recommendations. The Community Development Manager shall submit four copies of the preliminary plat, ~~improvement and construction plans, and supplementary material specified shall be submitted to the zoning board through the community development director with written application for conditional approval~~ and the staff report to the Planning Commission at least 14 days prior to the ~~meeting~~ public hearing at which it is to be considered.
- (c) ~~The community development director shall be the agent for reporting to the zoning board the recommendations, findings or reports of the appropriate city departments to which he refers the materials specified in subsection (b) of this section, together with an analysis of compliance or noncompliance with regulations applicable to the preliminary plat and required supplementary materials. The city clerk shall check to determine whether any taxes remain unpaid on the land in question.~~
- (d) ~~At a public meeting, the zoning board will receive reports on the review of the preliminary plat and required improvements and construction plans and supplementary materials to determine compliance~~

~~with applicable regulations. The developer, adjoining owners and other persons interested in or affected by the proposed subdivision shall have a right to be heard in person, by letter or by agent or attorney before action is taken by the zoning board.~~

- (e) ~~The zoning board may conditionally accept the preliminary plat and approve the required construction and improvement plans and supplementary materials as presented, or with minor modifications, if found to be in compliance~~ c) The Planning Commission shall conduct a public hearing on the preliminary plat application in accordance with the requirements of this chapter, or may refuse to accept code and shall recommend approval, approval with conditions or denial of the preliminary plat and required construction and improvement plans and supplementary materials when not found to be in compliance with, or readily capable of being revised to comply with, based on compliance with this chapter. If the board refuses to accept Commission recommends denial of the preliminary plat and required construction and improvement plans and supplementary materials, the board, the Commission shall state in writing the particular basis for the refusal reasons for its recommendations and a copy thereof shall be furnished to the developer.
- (f) ~~At this stage, the zoning board, with the aid of the community development director and appropriate city department, shall, if conditional acceptance of the preliminary plat and required construction and improvement plans and supplementary materials be given, work out an agreement with the developer to include, but not to be limited to, provisions for prosecuting the required construction and improvements to completion and the developing of the subdivision in stages, if the proposed subdivision is a large one and the board finds that development in stages is consistent with the intent and purpose of this chapter.~~ The preliminary plat application, Planning Commission recommendations and staff report shall be forwarded to the council at least 14 days prior to the public hearing at which it is to be considered. The Planning Commission recommendations shall be forwarded to the council. Following proper notice, the council shall conduct a public hearing on the preliminary plat application in accordance with the requirements of this code and shall approve, approve with conditions or deny the preliminary plat based on compliance with this chapter.
- (g) ~~The action of the zoning board shall be noted on two copies of the plat and its recommendation shall be forwarded to the council. At a regular meeting of the council, the council shall act on the recommendation of the zoning board, accepting it, rejecting it or modifying it as may be necessary to comply with this chapter.~~
- (h) ~~The action of the council shall be noted on two copies of the preliminary plat, referenced and attached to~~ including any conditions made for approval. One copy shall be returned to the developer and the other retained in the office of the ~~community development director~~ Community Development Manager.
- (i) ~~Conditional acceptance~~ Approval of the preliminary plat ~~and approval of construction plans for required improvements and required supplementary materials shall not constitute acceptance of the final plat. Rather, it shall be deemed an expression of acceptance of the layout submitted on the preliminary plat as a guide to the preparation of the final plat and approval of construction plans for required improvements and required supplementary materials.~~

(Code 1985, § 22-23)

Sec. 98-83. - Approval of final plat.

- (a) ~~The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the developer and approved by the zoning board and council, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this chapter.~~ An application for a final plat shall be filed within 12 months following approval of the preliminary plat. If a final plat application is not submitted within the 12-month period, the preliminary plat approval shall be

considered null and void, unless the developer requests in writing an extension of time or executes a development agreement. It shall be the developer's responsibility to request the extension or file a proposed development agreement with sufficient lead time to avoid the expiration of the 12-month period. The Planning Commission shall approve no more than one six-month extension upon showing of reasonable cause. The developer may propose a development agreement to allow the submittal of a final plat application for one or more phases. The development agreement shall be submitted within 12 months following approval of the preliminary plat and shall be accompanied by a final plat application. The development agreement address the timing for future phases and other requirements in accordance with Florida Local Government Development Agreement Act. The City is not obligated to execute a development agreement, and shall exercise discretion in determining whether a development agreement is in the best interests of the City. If the development agreement is executed, the preliminary plat approval shall remain valid pursuant to the terms of the development agreement.

- ~~(b) The final plat and required supplementary material shall be submitted for approval by the zoning board and the council through the community development director and for recording upon fulfillment of the requirements of this chapter and any conditions imposed at the time of conditional approval of the preliminary plat.~~
- ~~(c) Application for approval of the final plat and approval of construction of required improvements and required supplementary materials shall be submitted in writing at least 14 days prior to the zoning board meeting at which it is to be considered. The application shall be checked by the community development director and any other appropriate city department for compliance with applicable regulations. The community development director shall report the findings of city departments to the zoning board.~~
- ~~(d) Copies of the final plat and required supplementary material shall be prepared as specified in section 98-103 and shall be submitted within 12 months after approval of the preliminary plat; otherwise, such conditional approval of the preliminary plat shall become null and void unless an extension of time is applied for in writing and granted by the zoning board.~~ 103. The final plat and any phase thereof shall conform substantially to the approved preliminary plat.
- (c) The Community Development Manager shall determine if the final plat application is complete and shall determine the number of required copies for the review process. The process set forth in Section 74-63(d) shall govern this determination. Following the completeness determination, the Community Development Manager shall distribute copies of the approved preliminary plat and the final plat application to city departments for review and shall prepare a consolidated staff report evaluating compliance with code requirements, the extent to which the final plat substantially conforms to the preliminary plat and specifying any recommended conditions.
- (d) The Community Development Manager shall submit the documents required by subsection (c) to the Planning Commission at least 14 days prior to the public hearing at which it is to be considered. Following proper notice, the Planning Commission shall conduct a public hearing on the final plat application in accordance with the requirements of this code and shall recommend approval, approval with conditions or denial of the final plat based on compliance with this chapter. If the Commission recommends denial of the final plat, the Commission shall state in writing the reasons for its recommendations and a copy thereof shall be furnished to the developer.
- ~~(e) Three cloth or mylar prints and three paper prints of the final plat and one copy of the required supplementary material shall be submitted for the files of the city.~~ The final plat application, Planning Commission recommendations and staff report shall be forwarded to the council at least 14 days prior to the public hearing at which it is to be considered. Following proper

notice, the council shall conduct a public hearing on the final plat application in accordance with the requirements of this code and shall approve, approve with conditions or deny the final plat based on compliance with this chapter. If the council denies the plat, it shall state the reasons for denial.

- (f) ~~The zoning board shall send its recommendation on the final plat to the council. The council shall accept, reject or modify the final plat in conformity with this chapter.~~
- (g) ~~Failure to comply with the provisions of this chapter and other applicable statutes and ordinances shall be cause for refusing to accept the final plat.~~ The action of the council shall be noted on two copies of the final plat, including any conditions for approval. One copy shall be returned to the developer and the other retained in the office of the Community Development Manager. The developer shall submit three cloth or mylar prints and three paper prints of the approved final plat, including all required conditions to the City within 30 days following approval. The developer shall obtain approval of the Community Development Manager pursuant to Section 98-220 prior to recording a final plat.

(Code 1985, § 22-24)

Secs. 98-84—98-100. - Reserved.

DIVISION 3. - PLANS AND DATA

Sec. 98-101. ~~Preapplication plans and data~~ Pre-application materials.

In connection with the subdivision or resubdivision of land, the following materials are required ~~at the stage of preapplication~~ to be submitted for the pre-application meeting:

- (1) ~~The general subdivision information shall describe or outline the existing conditions of the site, including general information on drainage and topography and the proposed development as necessary to supplement the drawings required in this section. This information may include but is, topography, floodplains, soils and natural resources. A narrative shall be included describing the proposed subdivision, including but not necessarily limited to data on existing covenants, and characteristics, and available community facilities and utilities, and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, anticipated price range, business areas, playground and park areas, civic/school areas, other public areas, proposed restrictive covenants, and proposed utilities and street improvements.~~
- (2) ~~The location map shall show adjacent and surrounding properties and the relationship of the proposed subdivision to existing community facilities which serve or influence it. This shall include the development name and location, main traffic arteries, shopping centers, elementary and high schools, parks and playgrounds, principal places of employment, other community features such as railroads and bus stations, hospitals and churches, title, scale, north arrow, and date.~~
- (3) ~~The sketch plan or topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data listed in section 98-103 or such of this data as the zoning board determines is necessary for its consideration of the proposed sketch plan.~~

(Code 1985, § 22-81)

Sec. 98-102. ~~Plans and data for conditional acceptance or approval.~~ Preliminary plat application.

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

- (1)—Proposed subdivision name or identifying title, which shall not duplicate or closely approximate the name of any other subdivision in the city.
- (2)—Key plan, showing the location of the tract in reference to other areas of the city.
- (3)—North arrow, graphic scale, scale, and date; basis of bearing (desired true bearing).
- (4)—Name of the owner of the property or his authorized agent.
- (5)—Name of the registered engineer or surveyor responsible for the plat and supporting data.
- (6)—Tract boundaries, with angles and distances.
- (7)—Conditions on the tract, including all existing watercourses, drainage ditches, and bodies of water, marshes, rock outcrops, isolated preservable trees one foot or more in diameter, and other significant features, [including an environmental survey as required by Section 73-63.](#)
- (8)—All existing streets and alleys on or adjacent to the tract, including name, right-of-way width, street or pavement width, and established centerline elevations. Existing streets shall be dimensioned to tract boundaries.
- (9)—All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
- (10)—Location, names where applicable, and width of all proposed streets, alleys, rights-of-way, and easements, and purpose of easements; proposed lot lines with approximate dimensions; lot numbers; and block numbers.
- (11)—Ground elevations on the tract, based on USC&G datum level, at minimum contour intervals sufficient to show disposition of surface drainage (datum based on USC&G datum acceptable).
- (12)—Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions; depth to groundwater unless test pits are dry at a depth of three feet; and location and results of soil percolation tests if individual sewage disposal systems are proposed.
- (13)—Written statement and graphic representations and profiles, if necessary, showing proposed grades of streets and facilities for drainage.
- (14)—Zoning classifications on and near the tract.
- (15)—Utilities on or adjacent to the tract, indicating whether the utilities are above or below ground.
- (16)—Sites, if any, to be dedicated or reserved for public use.
- (17)—Preliminary specifications for required improvements, such as streets, curb and gutter, water, sanitary sewer, storm drainage, etc.
- (18)—Title and certificates; present tract designation according to official records in the office of the county clerk; names and addresses of owners, ~~including certification from the developer's attorney or abstract company that the dedicator of the plat is the owner of record at the time the plat is to be accepted for filing;~~ a statement from the owner that there are no mortgages on the property, if there are none, or, if there is a mortgage, a letter of acknowledgment from the mortgagee stating that he approved the platting; a certificate from the developer's attorney and abstract company, or the county tax collector and city clerk, that all due taxes have been paid at time [of preliminary plat application for conditional approval or acceptance is filed.](#)
- (19)—Draft of protective covenants, whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- (20)—Statements in accord with section 98-82.
- (21)—Draft of [development agreement if](#) proposed [by](#) developer's ~~agreement.~~

(Code 1985, § 22-82)

Sec. 98-103. - Plans and data for final acceptance or approval.

(a)—*Final plat*. The final plat shall be prepared by a surveyor or engineer registered in the state and to be clearly and legibly drawn in black India ink or tracing cloth or mylar as required for filing for record in the county, and in accordance with the design standards and provisions of F.S. ch. 177 (Land Boundaries). Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval or acceptance ~~progressively in contiguous sections satisfactory to the zoning board and the council. If required improvements are constructed without bond, all construction shall be in accord with this chapter and with the developer's agreement; if constructed with bond, all plans for required improvements shall be in accord with this chapter and with the developer's agreement.~~in phases. The final plat shall be at a scale of no more than 200 feet to the inch except where special dispensation is granted by the ~~zoning board~~Planning Commission, and shall include the following features:

- (1)—Subdivision name or identifying title and name of recorded owner.
- (2)—Primary control points, approved by the ~~community development director~~Community Development Manager, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (3)—North point, scale, graphic scale, and date; basis of bearing (desired true bearing).
- (4)—Tract boundary lines, right-of-way lines, and streets and easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions and bearing or deflection angles, with radii, arcs, and central angles of all curves; distances shall be accurate to hundredths of a foot and angles to the nearest minute.
- (5)—Location sketch showing the location of the subdivision with respect to section lines.
- (6)—Location and description of all permanent reference monuments.
- (7)—The exact name, locations, and widths along the property lines of all existing or recorded streets intersecting or paralleling the boundaries of the tract.
- (8)—The exact layout, including street and alley lines and rights-of-way; street names, bearings and widths (including widths along the lines of any obliquely intersecting street); lengths of arcs and radii, points of curvature and chord and length and bearings; points of tangency or nontangency intersects; all easements owned by or rights-of-way provided for public utilities; and all lot lines with dimensions in feet and hundredths, and with bearings or angles if other than at right angles to the street and alley lines. All street names shall conform to the city system.
- (9)—Lots, to be numbered in numerical order beginning with "1" in each block, and blocks, to be numbered in numerical order or lettered in alphabetical order.
- (10)—Minimum building setback lines on all lots or other sites.
- (11)—The accurate outline of all property which is to be dedicated, reserved or proposed for public use, including open drainage courses and easements, and all property that may be reserved by covenants in deeds for the common use of the property owners in the subdivision, with the purposes indicated thereon.
- (12)—Reference to recorded subdivision plats of adjoining platted land by record number, name and date, the adjacent portions of which may be shown in outline form.
- (13)—A complete description of the land intended to be subdivided.
- (14)—Certification by a registered surveyor or engineer attesting to the accuracy of the survey and that the permanent reference monuments have been established according to law and this chapter.
- (15)—Space and form for the following necessary acceptances or approvals:
  - a.—Chair of the ~~zoning board~~Planning Commission;

- b.—Mayor; and
- c.—County clerk of the circuit court;

The plat shall contain on the face thereof an unreserved dedication to the public of all streets, highways, alleys, parks, parkways, easements, commons, or other public places included within the plat, such dedication to be subscribed to by the legal and equitable owners of such lands, which dedication shall be checked for accuracy of description by the city attorney and attested by a notary public. ~~When necessary, the community development director~~Mortgagees having a record interest in the lands shall execute either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications. ~~When necessary, the Community Development Manager~~ may check such dedication prior to action by the city attorney.

- (b)—*Cross sections and profiles.* Cross sections and profiles of streets and any necessary drainage facilities shall be approved by the ~~community development director~~Community Development Manager. The profiles shall be drawn to city standard scales and elevations shall be based on a USC&G datum plane.
- (c)—*Protective covenants.* Protective covenants shall be in form for recording.
- (d)—*Other data.* No plat shall be accepted or approved unless and until all taxes and improvement liens levied against the lands included in such plat have been paid and discharged.
- (e)—~~Developer's agreement.~~ Conditions. No plat shall be ~~accepted or~~ approved for recording until the developer ~~shall have entered into an~~has executed a development agreement, ~~in form for recording,~~ with the city; or that the City has adopted a resolution specifying the following, which shall be conditions of the final plat approval:
  - (1)—~~The work to be done, and the time specified therefor by the developer.~~ The improvements to be completed prior to recording the final plat or the bond required pursuant to Section 98-220 and a schedule for completing the bonded improvements.
  - (2)—~~The exceptions, if, any, recommended by the zoning board and approved by the city to standard requirements.~~
  - ~~(3)~~—The participation in the development, if any, by the city and the time for completion of such work.
  - (4)—The lien, if any, imposed upon the land of the developer for any work performed by the city.
  - (5)—The conditions under which building permits will be allowed within the subdivision by the city.
  - (6)—The conveyance by the developer to the city of all water, sewer and storm lines installed within dedicated public rights-of-way.
  - (7)—~~The agreement of~~ Requirement for the developer to maintain and repair all streets constructed by the developer of the subdivision for a period of one year after completion of the subdivision or phase thereof, and prior to acceptance of maintenance thereof by the city.
  - (8) Approval of the Community Development Manager pursuant to Section 98-220 prior to recording the final plat.

The ~~developer's~~conditions set forth in the resolution or a development agreement, ~~if applicable,~~ shall constitute a covenant by the city and the developer-owner of the subdivision, the terms and conditions of which shall run with the land and be binding upon all successors in interest ~~to the developer-owner and~~assignees.

- (f)—*Certification.* Upon completion of the entire work on the subdivision or on one or more ~~stages~~phases of the subdivision, in accordance with ~~the developer's agreements~~a development agreement or conditions of the City Council approval, the developer's engineer shall furnish to the ~~community development director~~Community Development Manager a written certificate of such completion, accompanied by the records and data as prescribed in this chapter. The ~~community development~~

~~director shall recheck the plans and the work done, and if the plans and work shall be found to comply with this chapter and are in accordance with the developer's agreement, recommendations shall be made to the zoning board and the council for the acceptance of the subdivision. The council, upon the recommendation of the zoning board, shall approve the subdivision development, which shall authorize~~ Community Development Manager shall confirm by memorandum to the council that the subdivision or subdivision phase and required improvements have been completed in accordance with the final plat, including all conditions, and pursuant to any requirements of an executed development agreement. Upon the Community Development Manager providing the memorandum to council, the city building official ~~to issue permits for construction therein~~ shall process building permit applications according to codes of the city. ~~No temporary or conditional permit shall be issued prior to the acceptance of the development by the council.~~

(Code 1985, § 22-83)

Secs. 98-104—98-130. - Reserved.

ARTICLE IV. - DESIGN STANDARDS

DIVISION 1. - GENERALLY

Sec. 98-131. - Streets.

- (a)—*Generally.* The arrangement, character, extent, width, grade and location of all streets shall conform to the general city plan and shall be considered in their relation to existing and planned streets, to topographical conditions, and to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b)—*Continuation of existing streets.* Where such is not shown in the general city plan, the arrangement of streets in a subdivision shall either:
- (1)—Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (2)—Conform to a plan for the neighborhood approved or adopted by the ~~zoning board~~ Planning Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.
- (c)—*Minor streets.* Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (d)—*Arterial streets.* Where a subdivision abuts on or contains an existing or proposed arterial street, the ~~zoning board~~ Planning Commission and city council may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Where screen planting is approved, such screen shall be composed of cold-resistant shrubs, shall be composed of the type of shrub which presents a solid screen at the base, unless liner plants are used, and shall be composed of shrubs at least three feet in height at the time of planting.
- (e)—*Railroad rights-of-way and limited access highways.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the ~~zoning board~~ Planning Commission may require a marginal access street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Distances involving rights-of-way shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (f)—*Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the ~~zoning board~~ Planning Commission and council.
- (g)—*Street jogs.* Street jogs with centerline offsets of less than 200 feet shall be avoided, except where topographic situations make this provision impractical.



- (h)—*Tangent between reverse curves.* A tangent at least 250 feet long shall be introduced between curves on arterial and collector streets.
- (i)—*Curve radius.* When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 150 feet for minor streets, 300 feet for collector streets and 500 feet for arterial streets.
- (j)—*Angle of intersections.* Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than a 60-degree angle.
- (k)—*Rounding of corners at intersections.* Property lines at street intersections shall be rounded with a radius of ten feet or of a greater radius where the ~~zoning board~~ [Planning Commission](#) may deem it necessary. The ~~zoning board~~ [Planning Commission](#) may permit comparable cutoffs or chords in place of rounded corners.
- (l)—*Private streets and easements.* There shall be no private streets or easements for street use platted in any subdivision without the specific approval of the ~~zoning board~~ [Planning Commission](#) and the council.
- (m)—*Minimum right-of-way width and sight distance.* Street right-of-way widths and sight distances shall be as follows, unless otherwise indicated or required by law:

| Street Type  | Right-of-Way (feet)                               | Sight Distance (feet) |
|--|---|-----------------------|
| <del>Principal or</del> Major arterial <del>thoroughfare</del>                                   | <del>150</del> <a href="#">120</a>                | 1,600                 |
| <del>Secondary</del> <a href="#">Minor</a> arterial <del>thoroughfare</del> or section line road | <del>80 (107.5 setback)</del> <a href="#">100</a> | 600                   |
| Collector  | <del>60 (80 setback)</del>                        | 400                   |
| Minor  | 60  | 400                   |
| Marginal access  | 50  | 300                   |

- ~~(n)—Setbacks. The plat should indicate setback requirements on any street where they would be applicable.~~
- ~~(o)—Authority to require additional right-of-way. Additional right-of-way may be required to promote public safety and convenience or to ensure adequate access, circulation and parking in high density residential areas, commercial areas, business areas or industrial areas. where necessary for public safety due to unique site conditions.~~
- ~~(p)—(o) Additional right-of-way for existing streets. Where a subdivision abuts on or contains an existing street of inadequate right-of-way width, additional right-of-way in conformity with the standards in this section shall be required for new subdivisions.~~
- ~~(q)—p) Half or partial streets. Half or partial streets shall be prohibited. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.~~
- ~~(r)—Dead-end streets. Dead-end streets, designed to be so permanently, shall be prohibited except when designed as culs-de-sac. Such streets shall not exceed 550 feet in length without special permission of the zoning board~~ [Planning Commission](#), where due to unusual circumstances a greater length may be deemed necessary. They shall be provided at the closed end with a circular dedicated area with a diameter of not less than 100 feet.
- (s)—*Street names and lot numbers.* Street names and lot numbers shall conform to the street naming and lot numbering plan of the city.

(t)—*Grades.* Street grades shall be determined in relation to the drainage installations for the subdivision. Wherever feasible, street grades shall not exceed five percent or be less than one-half of one percent unless otherwise approved by the ~~community development director~~[Community Development Manager](#).

(Code 1985, § 22-40)

**Cross reference**— Streets, sidewalks and other public places, ch. 54.

Sec. 98-132. - Alleys.

(a)—Alleys shall be provided in commercial and industrial districts, except that the ~~zoning board~~[Planning Commission](#) may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. No alleys shall be allowed in residential districts.

(b)—The width of an alley shall not be less than 30 feet.

(c)—Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.

(d)—Dead-end alleys shall be prohibited.

(Code 1985, § 22-41)

**Cross reference**— Streets, sidewalks and other public places, ch. 54.

Sec. 98-133. - Easements.

(a)—*Utility easements.* Normally, utility easements across lots or centered on rear or side lot lines will not be permitted. Where, due to topography or other circumstances beyond the control of the developer, such easements are deemed by the ~~zoning board~~[Planning Commission](#) to be necessary to the reasonable development of the property, such easements shall be ~~at least 30 feet wide.~~[provided at the minimum width recommended by the City engineer.](#)

(b)—*Drainage easements along watercourses.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially ~~with~~[to](#) the lines of such watercourse, and of such further width or construction, or both, as will be adequate for the purpose of storm drainage facilities. Parallel streets or parkways may be required in connection therewith where necessary for service, maintenance and other measures for safety as may be required.

(c)—*Other drainage easements.* Other easements may be required for drainage purposes of such size and location as may be determined by the ~~community development director~~[Community Development Manager](#).

(d)—*Pedestrian and service easements.* Where necessary for safety and convenience, pedestrian and service easements shall be provided. Such pedestrian and service easements may include, or be included in, easements required in subsections (a), (b) and (c) of this section.

(Code 1985, § 22-42)

Sec. 98-134. - Vehicular access points.

~~Vehicle access to roads shall be limited consistent with the standards and guidelines as set by F.A.C. chs. 14-96 and 14-97, by controlling the number and location of site access driveways and other intersecting roads. In addition, all proposed~~[All](#) development shall meet the following standards for vehicular access and circulation, [unless a more stringent standard is required by state law](#):

(1)—*Number of access points.*

a.—All projects shall have access to a public right-of-way. The number of access points shall be as follows:

| Type of Development                             | Number of Access Points | Preferred Type of Access       |
|---|-------------------------|--------------------------------|
| Residential, <75 units                          | 1                       | Residential or minor collector |
| Residential, 75+ units                          | 2                       | Minor collector                |
| Nonresidential, <300 required parking spaces    | 1                       | Collector                      |
| Nonresidential, 300—999 required parking spaces | 2                       | Major collector or arterial    |
| Nonresidential, 1,000+ required parking spaces  | 2 or more               | Major collector or arterial    |

b.—Notwithstanding the provisions in subsection (1)a of this section:

1.—A nonresidential development, or a multifamily residential development, on a corner lot may be allowed two points of access. However, no more than one access shall be onto an arterial.

2.—Schools may have one additional access, provided that the additional access drive is limited to school bus use only.

c.—New multifamily residential development shall have direct access to collector roads so that high volumes of traffic do not pass through other residential neighborhoods.

(2)—*Separation of access points.*

a.—The separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table:

| Functional Class of Roadway | Distance Between Access Points (feet) |
|-----------------------------|---------------------------------------|
| Major arterial              | 300                                   |
| Minor arterial              | 250                                   |
| Major collector             | 185                                   |
| Minor collector             | 140                                   |

b.—The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

(3)—*Frontage roads and easements.*

a.—Frontage or back lot parallel access roads shall be cross-accessed where feasible.

b.—Easements of adjacent properties shall be cross-accessed where feasible.

Sec. 98-135. - Blocks.

- (a)—*Factors determining length, width and shape.* The lengths, widths and shapes of blocks shall be determined with due regard to:
- (1)—Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - (2)—Zoning requirements as to lot sizes and dimensions.
  - (3)—Needs for convenient access, circulation, control and safety of street and pedestrian traffic and fire protection.
  - (4)—Limitations and opportunities as to topography, with special emphasis on drainage of the proposed subdivision and the possible adverse effects of that drainage on properties surrounding the subdivision.
- (b)—*Length.* Block lengths ~~should~~ shall not exceed 600 feet or be less than 300 feet in residential areas, except where special topographical conditions exist.
- (c)—*Pedestrian crosswalks.* Pedestrian crosswalks not less than ten feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(Code 1985, § 22-44)

Sec. 98-136. - Lots.

- (a)—*Generally.* The lot size, width, depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites.
- (b)—*Dimensions.* Lot dimensions shall conform to the requirements of the zoning code and the following:
- (1)—Residential lots ~~where~~ not served by central water or sewer shall ~~not be less than 1½ times the width and not less than 1½ times the area of~~ conform to the minimum zoning lot size requirements for the set forth by the applicable administrative state rule, and the minimum lot size required by the applicable zoning district ~~in which the land is located.~~
  - (2)—Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (c)—*Corner lots.* Corner lots for residential use shall have not less than 25 percent extra width, greater than the average of corresponding interior lots of the same block, to permit appropriate building setbacks from and orientation to both streets.
- (d)—*Access to street.* The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory and permanent access to an existing public street, provided that the ~~zoning board~~ Planning Commission may approve private streets when constructed to the specifications of this chapter.
- (e)—*Double frontage and reverse frontage lots.* Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, composed of planting as set out in subsection 98-131(d), and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- (f)—*Orientation of side lot lines and driveways.* Side lot lines shall be substantially at right angles or radial to street lines, and entrance of automobiles from the lot to the street shall be approximately at right angles or radial to street lines.

(Code 1985, § 22-45)

Sec. 98-137. - Sidewalks and bikeways.

- (a) Projects abutting collector or arterial facilities shall provide sidewalks adjacent to the collector or arterial roadway. The location of sidewalks shall be consistent with any planned roadway improvements or as required by the city.
- (b) Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is 60 feet or less.
- (c) Sidewalks shall be provided on one side of all residential streets where the average lot width at the street is greater than 60 feet but less than ~~450~~120 feet.
- (d) Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-of-way.
- (e) Residential projects adjacent to or in the immediate vicinity of an area composed of commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.
- (f) Pedestrian ways or crosswalks, not less than ten feet wide with a sidewalk meeting the requirements of this Code, may be required to be placed in the center of blocks more than 800 feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (g) Design and construction of sidewalks and bikeways will include the improvement of sidewalks with ramps.

(Code 1985, § 22-46)

**Cross reference**— Streets, sidewalks and other public places, ch. 54.

Sec. 98-138. - Radon emissions.

In areas of elevated radon emissions, new development shall utilize radon-resistant construction techniques, as recommended by the state.

(Code 1985, § 22-48)

Sec. 98-139. ~~Public sites~~ Recreation and open spaces.

- (a) New residential ~~developments which are~~ subdivisions, ~~multifamily developments or mobile home developments~~ shall provide 350 square feet of recreational land per unit.
- (b) ~~The city may accept land dedication, elect to require payment of a fee in lieu of dedication, or a combination of both land and fee. The fee shall be based upon the fair market value of the land which would have been dedicated to the city for park and recreation purposes, which shall be deemed to satisfy recreation concurrency requirements as addressed by Policy~~ \_\_\_\_\_.
- (~~e~~b) No existing recreational facilities or parks will be changed to other uses unless clearly in the public interest. Such facilities shall be adequately replaced to ensure the level of service does not fall below the adopted standards.
- (~~d~~) ~~Where a natural stream or other important surface drainage course is located in an area being subdivided, the zoning board and the council may require the dedication of lands or easements along each side of the stream or drainage course for the purpose of widening, deepening, sloping, ponding, improving or protecting the stream for drainage, parkway or recreational purposes.~~

~~(e) Recreational facilities provided by new development shall meet all applicable site design standards of this Code. In addition, the following standards shall apply to ensure accessibility for all residents, including the elderly, handicapped persons and young children:~~

- ~~(1) Handicapped parking spaces shall be provided in close proximity to the recreational facility.~~
- ~~(2) Ramps and railings shall be included in design and construction where appropriate.~~
- ~~(3) Barriers shall be placed appropriately to ensure safety from traffic.~~

(Code 1985, § 22-49)

Secs. 98-140—98-160. - Reserved.

DIVISION 2. - RESOURCE PROTECTION

Sec. 98-161. - Purpose; compliance with applicable regulations.

The purpose of this division is to ensure that new development will impact to the minimum extent consistent with the permitted function on shorelines, wetlands, endangered species habitats, or archaeological and historical resources. In addition to meeting the requirements in this division, development plans shall comply with all applicable federal, state, water management district and county regulations relating to resource protection. In all cases, the strictest of the applicable standards will apply.

(Code 1985, § 22-50)

Sec. 98-162. - Shoreline and wetlands protection.

(a) All development shall comply with Chapters 74 and 78 of this code. To the extent any code provisions are inconsistent or conflict, the most stringent standard shall apply.

(b) No laterals are permitted below the 25-year floodplain and no first-floor levels are permitted below the 100-year floodplain.

(c) During development activities, shorelines and wetlands shall be protected with filter berms and fabric screens, as appropriate, to prevent siltation into water bodies and wetlands.

(b)d) During development activities, stabilization of banks shall be accomplished by planting of vegetation or use of riprap, and not by seawalls. Construction of new seawalls is prohibited.

(e)e) During development activities, existing seawalls requiring maintenance and repair shall be faced with riprap for stabilization and prevention of undercutting and erosion.

~~(d) For all development along the rivers, the minimum setback required for structures, excluding piers, is 25 feet from the ordinary high-water line or state jurisdictional line, whichever is greater, and not less than 100 feet for septic tanks and drainfields. Applicants unable to meet the 100-foot requirement due to lot sizes may be allowed a lesser setback so long as a vegetated swale is provided in the uplands adjacent to the water line or other accepted engineering technique which is effectively designed to protect water quality and provide erosion control. No septic tanks or laterals are permitted below the 25-year floodplain and no first-floor levels are permitted below the 100-year floodplain.~~

(e)f) Construction of the approaches to new boat ramps shall be designed and constructed to direct runoff away from the waterway. Direct sheet flow is prohibited.

~~(f) The development of any new projects along the rivers shall provide a stormwater management system including retention/detention areas, swales and other devices which filter out pollutants before the stormwater enters the river, in accordance with state department of environmental protection and Southwest Florida Water Management District (SWFWMD) standards.~~

~~(g) New developments along a waterway shall provide a stormwater management system which filters out pollutants before the stormwater enters the waterway, consistent with Southwest Florida Water Management District and state department of environmental protection standards for Outstanding Florida Waters.~~

- ~~(h) Development of single family homes on existing platted lots along the river is required to grade the lot in a manner to minimize runoff.~~
- (i) Major water withdrawal or diversion of the rivers is prohibited.
- ~~(j) All developments must provide upland buffers adjacent to the wetland areas.~~
- ~~(k) Dredging and filling in wetlands is prohibited. In situations where prohibition would deny reasonable use of the property, consistent with zoning, proposed activities, if approved, shall be required to replace wetlands lost with wetlands equivalent in area, type, form and function.~~
- (l) i No hazardous, toxic, chemical, petroleum or liquid sludge shall be discharged into lakes, rivers or wetlands. No bulk hazardous wastes, including septic tank effluent or liquid sludge, shall be stored within 500 feet of the river's edge (ordinary high water), except those associated with water-oriented commercial uses which obtain appropriate permits from the state department of environmental protection.

(Code 1985, § 22-51)

Sec. 98-163. - Habitat and endangered species protection.

- ~~(a) Development projects of ten acres or more adjacent to the Rainbow and Withlacoochee Rivers shall provide an inventory of endangered or threatened species and measures to mitigate adverse impacts. All development shall comply with Chapters 74 and 78 of this code. To the extent any code provisions are inconsistent or conflict, the most stringent standard shall apply.~~
- ~~(b) Development proposed in areas known to be inhabited by endangered or threatened species shall mitigate any negative impacts through management plans. Subdivisions shall be planned and designed to avoid, minimize and mitigate the impact on wetlands and listed species habitat and shall comply with all requirements of Chapter 78 in regard to the River Corridor Protection Area.~~
- ~~(c) Conservation easements and preservation areas shall be established for new development containing endangered species, threatened species, or species of special concern all wetland areas and other habitat communities required to be preserved to protect listed species.~~
- ~~(d) Development on parcels determined to be inhabited by endangered or threatened species or otherwise located on environmentally sensitive wetlands may be clustered on nonsensitive portion of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those nonsensitive portions of the site. The clustered development shall meet all applicable provisions of this Code. Applicants shall be responsible for determining whether wetlands and listed species habitats will be impacted and ensuring compliance with all applicable regulatory programs. The applicant shall have the option of providing an environmental survey to the City or may elect to obtain all permits and authorizations required by permitting agencies with jurisdiction pertaining to wetlands and listed species habitat.~~
- ~~(e) Where available data or information indicates the existence of endangered and threatened species on a proposed development site, the applicant for the development approval shall be notified of a minimum requirement to:~~
- ~~(1) Elect to take no further action pending review by appropriate agencies.~~
  - ~~(2) Elect to conduct, at the applicant's expense, an evaluation of the proposed development site for the existence of endangered and threatened species. Such evaluation shall contain, at a minimum:~~
    - ~~a. The date of the field review.~~
    - ~~b. The name of the individual and organization conducting the field review.~~

- ~~e.—The qualifications of the individual conducting the field review.~~
  - ~~d.—A brief statement of the methodology used to conduct the investigation of the site.~~
  - ~~e.—A map of land use and land cover classifications on the site using a classification system described in one of the following publications:
    - ~~1.—Land Use, Cover and Forms Classification System: A Technical Manual, State of Florida, Department of Transportation, May 1981 (preferred).~~
    - ~~2.—The Florida Land Use and Cover Classification System; A Technical Report, State of Florida, Department of Administration, April 1976.~~~~
  - ~~f.—A list of species observed on the site.~~
  - ~~g.—A map showing the location and an assessment of any sightings of threatened and endangered species encountered on the site, and any evidence of habitation of areas on the site by such species discovered during the field review.~~
  - ~~h.—A habitat management plan describing any measures which are proposed by the applicant for nondisturbance, or species relocation or other mitigative measures regarding the protection of any threatened or endangered species found on the site.~~
- (f) ~~The city~~ If the applicant for a subdivision or other development elects to file and request review of a proposed preliminary plat prior to obtaining permits and authorizations from permitting agencies, the City shall submit a copy of the ~~field evaluation~~ environmental assessment to the appropriate permitting agencies with jurisdiction ~~over the discovered species~~. The ~~city~~ City shall request ~~comment~~ comments from such agencies within sixty (60) days of transmittal of the applicant's report. The agency may also be requested to provide comment on any management strategies that may have been proposed by the applicant in the applicant's report, and provide recommendations on a preferred species management strategy for consideration. ~~Applicant~~ The applicant's report and ~~subsequent agency comment~~ all permitting agencies' comments will be provided to the planning commission and city council for ~~review, comment, and further action if necessary.~~ consideration in reviewing the preliminary plat and final plat.
- (g) ~~Development approvals for projects that contain or are proximate to locations of habitat occupied by threatened or endangered species may limit or preclude development or redevelopment (but not removal) of habitable structures, impervious surfaces, and other uses as determined by the city, within an appropriate distance of locations or defined areas classified as habitat for any threatened or endangered species, if such measures are deemed appropriate for the continued viability of such habitat. Whenever a significant number of endangered or threatened species listed by the state fish and wildlife conservation commission are found through an evaluation of a proposed development site, and the species habitat on the project site is determined to be viable, a species management plan approved by the state fish and wildlife conservation commission may be developed and utilized as the basis for development approval conditions or changes to site design to achieve compliance with policies contained in the city's comprehensive plan.~~ The City shall limit development or redevelopment (but not removal) of habitable structures, impervious surfaces, and other uses and activities in accordance with permitting agencies published habitat management guidelines or in accordance with any recommendations of the permitting agencies. If such guidance or recommendations are not available, then the City shall determine the extent of required buffers and other conditions, taking into consideration the environmental assessment submitted by the applicant and any other environmental assessment or expert testimony provided by a qualified consultant that is submitted during the public hearing process. The City shall not be responsible or liable for a landowner's/developer's compliance with state and federal laws. The landowner/developer is responsible for obtaining all required permits and authorizations from permitting agencies, and any approval granted by the City does not obviate the requirement to comply with any other law. The City shall not issue



[permits for clearing or building permits for any development prior to the landowner/developer providing all required permits and authorizations from permitting agencies.](#)

(Code 1985, § 22-52; Ord. No. 2007-12, § 1, 6-11-2007)

Sec. 98-164. - Mining.

Mining activities are prohibited in the city limits.

(Code 1985, § 22-53)

Sec. 98-165. - Historical and archaeological resource protection.

- (a) Any development within or adjacent to historic or archaeological resources shall be designed and constructed consistent with the neighborhood character intended by the historic preservation plan or provide buffering to protect the historic character of such resources.
- (b) Development on or in such close proximity to archaeological site 8MR95 as to destroy its substance or character is prohibited.
- (c) Archaeological discoveries shall be immediately reported to the city manager, who shall, within 60 days, determine the significance of the site, and provide a formal report to city council and the planning commission. The planning commission will, following a review of the report, determine any further restrictions to be imposed under this section.
- (d) Any development within or adjacent to historic or archaeological resources shall be required prior to commencing development, or continuing development after resource discovery, to hire an independent expert chosen by city council to advise and report on protections and restrictions necessary to preserve the historical or archaeological resource. The cost of the independent expert shall be borne solely by the developer.
- (e) The city manager shall contact all relevant city, county, state and federal officials with potential interest in the resource. In the event of a conflict in restrictions imposed by city, county, state or federal government, the most stringent shall apply.

(Code 1985, § 22-54; Ord. No. 2007-13, § 1, 6-11-2007)

Secs. 98-166—98-210. - Reserved.

ARTICLE V. - REQUIRED IMPROVEMENTS

Sec. 98-211. - Monuments.

- (a) Monuments shall be placed at all block corners, at angle points of curves in streets and at intermediate points as shall be required by the ~~community development director~~ [Community Development Manager](#).
- (b) A sufficient number of permanent benchmarks shall be set in each subdivision, in no case less than two and in no case more than 2,000 feet apart, either within the tract or on the exterior boundaries thereof, or both, properly referenced, for both construction and future city use. The permanent reference markers shall meet all the specifications set out in F.S. ch. 177 and by the ~~community development director~~ [Community Development Manager](#).
- (c) The location of all monuments shall be indicated on the final plat. All monuments and permanent reference markers shall be of such size, material and length as may be specified by the ~~community development director~~ [Community Development Manager](#).
- (d) Lot line boundaries shall be monumented.
- (e) All original corner markers shall be protected throughout the development. Should such, or any, monuments, iron pipes or iron pins serving as monuments fall within pavements, driveways or sidewalks they shall be secured to proposed grades by eight-inch concrete pipes and a cast-iron cap

for access to the original monument. All monuments must be in place before the developer is released from bond, if bond has been posted. If no bond is posted, monuments must be in place prior to the approval of the final plat. Any and all land monuments disturbed or destroyed in the prosecution of construction shall be accurately witnessed and replaced at the expense of the developer upon the completion of construction.

(Code 1985, § 22-61)

Sec. 98-212. - Utilities.

Facilities that provide utility service shall be authorized at the same time as land uses that require those facilities are authorized in order to ensure concurrency requirements are met as lots are developed. Siting of those facilities shall be consistent with the ~~future land use map and adjacent land uses~~. Comprehensive Plan and the zoning district.

(Code 1985, § 22-62)

**Cross reference**— Utilities, ch. 70.

Sec. 98-213. - Storm drainage.

- (a)—A drainage system shall be designed showing the ultimate disposition of all surface water. All ditches or other drainage facilities shall have adequate capacity to carry the runoff resulting from rainfall intensity ~~which may be expected for a five-year storm period~~. in accordance with adopted level of service standards. Where there is substantial diversion of water, such diversion shall be accomplished through culverts in order to prevent erosion.
- (b)—All drainage facilities shall be designed for a positive outfall to existing storm sewer systems, lakes, canals, rivers, streams, or previously constructed city, county or state road ditches. All water retention areas shall be fenced or designed with a gradual slope to ensure public safety, and shall be screened by appropriate trees or shrubbery.
- (c)—~~If the added runoff from the developed areas will, in the judgment of the community development director, overtax or overload the existing road or outfall ditches, then the developer shall include in his plans sufficient work to enlarge the present facilities to care for the added drainage imposed on the system.~~
- (d)—~~Where land is subject to periodic flooding by the overflow from creeks, rivers or streams, a floodplain must be established and~~ Floodplains must be clearly designated on the final plat. No building will be permitted within the area of the floodplain unless the entire area to be utilized for building is filled to a height of two feet above the floodplain.
- (e~~d~~)—Areas to be used for water retention purposes shall be designated as "general purpose areas" on the plat and shall not be shown on the plat in any other way. Such areas shall in no circumstances be given a lot designation in the subdivision; when such areas are deeded to the city, they shall be deeded as "general purpose areas" in a given block as the case may be.
- (f~~e~~)—Drainage facilities and necessary auxiliary improvements such as fencing and screening must be constructed and approved before the developer is released from bond, if bond has been posted. If no bond is posted, drainage facilities must be constructed and approved by the ~~community development director~~ Community Development Manager before the approval of final plat.
- (g~~f~~)—Improvements or widening of the city's existing roadways and drainage structures, for the purposes of new development, shall include retrofitting for stormwater treatment.

(Code 1985, § 22-63)

**Cross reference—** Utilities, ch. 70.

Sec. 98-214. - Clearing and grading of rights-of-way.

The developer shall be required ~~to clear all rights-of-way to their full width and~~ to make all grades, including grades for streets, alleys and drainage, to grades approved for the final plat. ~~The zoning board may provide that trees with a diameter of 12 inches or greater need not be removed from the right-of-way, where the~~ The developer shall clear all rights-of-way to their full width, except where preservation of such trees will not hinder the future maintenance of streets, drainage or utilities, or be a hazard to vehicular or pedestrian safety. The council shall approve the preservation of trees within the right of way. All debris shall be removed from rights-of-way.

(Code 1985, § 22-64)

Sec. 98-215. - Bridges and culverts.

- (a)—The minimum width of bridges on arterial roads shall meet state road specifications for arterial roads ~~and.~~ Bridges for all other roads shall be the minimum width ~~of~~ required for the ~~paving section~~ type of road plus three feet on each side for all other roads. Culverts shall be of such size as to provide adequate drainage openings, and of sufficient length to extend beyond the curb limits of the road. Culverts shall meet the standards specified by the ~~community development director~~ Community Development Manager.
- (b)—Locations of bridges and culverts, with construction data and full specifications, shall be shown in an exhibit, and approval or acceptance of the final plat shall not be accomplished unless such exhibit is transmitted.
- (c)—Bridges and culverts must be constructed and approved before the developer is released from bond, if bond has been posted. If no bond is posted, bridges and culverts must be constructed and approved by the ~~community development director~~ Community Development Manager before the ~~approval~~ recording of the final plat.

(Code 1985, § 22-65)

Sec. 98-216. - Water, sewer and storm sewer systems.

- (a)—All necessary federal, state and county permits for storm water and surface water management shall be obtained prior to issuance of development orders.
- (b)—City water ~~including fire hydrants, and~~ sanitary ~~sewer and storm~~ sewer shall be provided ~~in~~ when available to serve each new subdivision. ~~All new waterfront development shall utilize central sewer. The use of private septic tanks to service new waterfront development is hereby prohibited. For the purposes of this section, waterfront development shall be defined as any development occurring on property which borders the Rainbow River, Withlacoochee River, prairie ponds, borrow pits, wetlands, lakes or any other water body. When applicable, plans for use of private septic tanks (all septic tanks~~ Storm sewers shall be installed for each new subdivision. Until sanitary sewer is available, on-site treatment and disposal systems shall be utilized in accordance with applicable statutory and administrative rule requirements, shall be performance based ~~septic systems with drip irrigation for~~ to achieve an effluent ~~disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen), private sewage systems or private water systems shall be fully approved by all state, county and city authorities in advance of the start of plat and or construction. Private septic tanks or private sewage systems shall be so installed~~ and installed so as to simplify later connection with city systems. Where spring protection areas or overlays exist, the most stringent of all regulations shall apply.
- (c)—Standards for installation of water, sewer and storm sewer systems shall be as follows:

- (1)—*Water and sewer systems.* Each lot within the subdivision area shall be provided with a connection to an approved public water supply and an adequate public sanitary sewer when available. All connections of the subdivision water and sewer system shall comply with the regulations of the state board of health and standard specifications for the city water and sewer installations and shall be installed under the direction and supervision of and subject to the inspection and approval of the ~~community development director~~ Community Development Manager. If any defects shall occur in the water or sanitary sewer facilities within one year from the date of acceptance by the city, such defects shall be remedied and corrected at the developer's expense. The specifications and locations of fire hydrants shall be approved by the ~~community development director~~ Community Development Manager.
- (2)—*Storm water management systems.*
- a.—All necessary facilities, either underground pipe, drainage wells, canals or drainage ditches, shall be installed to city standards and specifications, and subject to the approval of the ~~community development director~~ Community Development Manager, so as to provide adequate disposal of surface water and to maintain any natural watercourses. In areas where high groundwater exists and it is deemed necessary by the ~~community development director~~ Community Development Manager for the protection of paved streets, underdrains shall be installed. If any defects shall occur in the storm drainage system within one year from the date of acceptance by the city, such defects shall be remedied and corrected at the developer's expense.
  - b.—Storm water management systems shall be designed and constructed to either retain on-site the runoff generated by a 25-year, 24-hour storm or detain and discharge the runoff from a 25-year, 24-hour storm at peak discharge rates which do not exceed predevelopment rates.
  - c.—Water quality treatment shall be provided for a volume equivalent to three-fourths inch of depth over the entire site or the runoff from the first 1½ inches of rainfall on the entire site, consistent with F.A.C. ch. 17-25.025(9) (Design Criteria for Outstanding Florida Waters). All storm water discharge facilities shall be designed and constructed to ensure the suitability of water for the designated use of its classification as established in F.A.C. ch. 17-302.
  - d.—Site-specific conditions may require other design criteria to be satisfied in order to obtain water management district construction permits, which shall meet the requirements of F.A.C. ch. 40D-4, as well as the requirements of F.A.C. ch. 17-40.420 (state water policy). To ensure compliance with those requirements, a copy of a valid water management district permit or exemption letter shall be presented before building permits or development approvals are granted.
  - e.—The following minimum standards are required:
    - 1.—Collector roads, culverts and cross-drains shall convey the runoff from a ten-year, 24-hour storm.
    - 2.—On local roads and internal subdivision roads, culverts and cross-drains shall be designed to convey runoff from a ten-year, 24-hour storm.
    - 3.—All waterfront development must meet the standards in this subsection and provide a storm water management system including retention/detention areas, swales and other devices which filter out pollutants before storm water enters the rivers.
- (d)—Installations for water, sewer and storm drainage shall be installed at the expense of the developer with no rebates from the city to the developer; provided, however, that, where the developer is required to install larger lines or facilities than necessary to serve his development in order to provide for the future development of other properties, the difference in costs between installing facilities adequate for the subdivision and the oversize lines or facilities shall be borne by the city.
- (e)—All existing and ~~new septic~~ onsite sewage treatment and disposal systems shall be inspected every five years or upon sale of the property for maintenance and upgrade. Inspection shall be conducted

by a licensed septic contractor and paid for by the property owner. When an existing ~~septic~~ system fails, or otherwise requires replacement, it shall be replaced with a performance based septic system designed to ~~provide a recovered water product~~ achieve an effluent that contains not more than ten mg/l of total nitrogen.

(Code 1985, § 22-66; Ord. No. 2007-10, § 1, 7-9-2007)

**Cross reference**— Utilities, ch. 70.

Sec. 98-217. - Sewage treatment plants.

Soil suitability, sinkhole potential and setback from wetlands shall determine approval or denial of all future sewage treatment plant sites.

(Code 1985, § 22-67)

Sec. 98-218. - Wellfields.

- (a) ~~—~~A wellfield protection area with a minimum protection buffer of 200 feet shall be provided and maintained around all potable water wellfields, other than individual wells serving single uses.
- (b) ~~—~~New development or redevelopment in the wellfield protection area is limited to passive recreational uses.

(Code 1985, § 22-68)

Sec. 98-219. - Streets.

- (a) ~~—~~All streets and public ways shall be cleared and graded to their full width of right-of-way and to the established and approved grade as set out in section 98-213. If required to prevent erosion or excessive washing, protective measures shall be taken by the developer as required by the ~~community development director~~ Community Development Manager.
- (b) ~~—~~All streets shall be paved and curbed to at least the minimum applicable standard specifications of the city. The right-of-way widths, utilities easements and locations, and paving widths shall accord with the typical cross sections which are on file in the city clerk's office.

(Code 1985, § 22-69)

Sec. 98-220.- Financial Guarantees for Subdivision Improvements

(a) If the developer does not complete construction prior to recording a plat, the developer shall comply with one of the enumerated alternatives in this section and shall include the cost of placing permanent reference monuments (PRMs) together with the survey costs incident to their proper placement. A developer may extend, renew or substitute collateral described in paragraphs (1)—(3) one or more times; provided, that no extension or renewal thereof or substitute therefor shall have a maturity or expiration date later than the time for completion of the improvements. The time for completion of the improvements shall be specified by the City Council in its approval of the final plat. These requirements shall apply to each phase of a final plat where construction will occur in phases.

(1) The developer shall deposit with the City or place in an account subject to the control of the City cash in the full amount of the total sum of engineering and construction costs for the installation and completion of the required improvements. The developer shall be entitled to secure draws from the deposits or account as installation progresses at stages of construction established by the Community Development Manager but not more frequently than monthly. A

draw from the case deposit or account shall be made only within 30 days after the developer's engineer has certified to the City that the cost of improvements installed equals or exceeds the amount of the draw requested plus previous draws made and the Community Development Manager has inspected the improvements and authorized the draw. The Community Development Manager shall have the right to reduce the amount of a requested draw to an amount justified based upon inspection of the improvements and shall also have the right to refuse to approve a requested draw so long as the developer fails to be in compliance with any of the terms and conditions of the final plat or final engineering plans and specifications for the improvements. The developer shall be entitled to receive interest earned on the deposit or account. The City, after 60 days' written notice to the developer, shall have the right to use the cash deposit or account for the completion of the improvements in the event of default by the developer or failure of the developer to complete the improvements within the time required by the City Council.

(2) The developer shall furnish to the City a personal bond secured by an unconditional and irrevocable letter of credit in an amount equal to the total of engineering and construction costs for the installation and completion of the required improvements, which letter of credit shall be issued by a state or national banking institution to the City. The letter of credit shall be in the form approved by the Office of General Counsel. During the process of construction, the Community Development Manager may reduce the dollar amount of the personal bond and letter of credit on the basis of work completed. The City, after 60 days' written notice to the developer, shall have the right to use any funds resulting from drafts on the letter of credit for the completion of the improvements in the event of default by the developer or failure of the developer to complete the improvements within the time required by the City Council.

(3) The developer shall furnish to the City a surety bond in the form and by a surety approved by the City Attorney, guaranteeing that, within the time required by the City Council, the required work will be completed in full accordance with the final plat and all conditions attached thereto, copies of which shall be attached to and constitute a part of the bond agreement. The bond shall be in an amount equal to 100 percent of the sum of engineering and construction costs. During the process of construction, the Community Development Manager may reduce the dollar amount of the bond on the basis of work completed. The City, after written notice to the developer, shall have the right to bring action or suit on the surety bond for the completion of the improvements in the event of default by the developer or failure of the developer to complete the improvements within the time required by the City Council.

Upon certification that all required improvements are completed in substantial conformance with the final plat approved in the manner required by Section 98-103(f), and following payment by the developer of required plat recording fees to the Clerk of the Circuit Court; the Community Development Manager shall record the plat.

Secs. 98-221—98-260. - Reserved.