

ARTICLE XV SUBDIVISION REGULATIONS.

Section 15.0 Subdivision Plat Review.

A. Purpose and Intent.

1. The City of Fellsmere, in pursuing its goal of sound and wholesome growth, has set forth uniform procedures, a well defined application process and information requirements in the division and platting of land that is consistent with all applicable minimum development standards. The approval of a subdivision development will be based upon the provision and availability of adequate public facilities and services coincident with the concurrency requirements regarding the impact of the subdivision development and that the subdivision is compatible and adequately coordinated with existing and anticipated development of adjacent properties. It will be incumbent upon the developer to document the impact to the level of services in the City and to create improvements to those facilities and services so as not to be a burden on the taxpayers of the City.
2. The subdivision requirements of this Article, together with the standards and criteria of this Code, including engineering design standards and specifications , are intended to ensure that all lands included within subdivisions will be suitable for the various purposes proposed. The regulation of the division of land is intended to protect and promote the health, safety and general welfare of the citizens of the City of Fellsmere.

B. Subdivision Requirements. Each new subdivision shall:

1. Provide the proper legal description, identification, monumenting and recording of real estate boundaries and subdivided land;
2. Have safe, adequate, convenient and efficient circulation of vehicular and pedestrian traffic;
3. Provide suitably drained and readily accessible building sites and adequate protective flood control and drainage;
4. Have efficient, adequate utilities, services and necessary public improvements;
5. Have designs and improvements that control pollution and erosion and provide for the conservation and protection of the physical, natural and economic resources of the City;
6. Provide adequate open space, green space, light, solar rights, air, privacy and recreational area, and to prevent overcrowding of the land and undue congestion of the population;
7. Provide for safe and sanitary sewage disposal, adequate potable water supplies and the protection of the groundwater system;
8. Take reasonable measures to preserve all natural, archeological, and historic features including large trees, water resources, archeological and historic areas and structures and similar community assets; and

9. Ensure compliance with procedural and substantive requirements of the Comprehensive Plan, this Code and the requirements of Chapter 177 F.S., as amended.

C. Minimum Requirements.

This Code shall be deemed to establish consistent minimum requirements and to create such additional powers in the City of Fellsmere as herein provided to regulate and control the platting of lands. This Code establishes minimum requirements and does not exclude additional provisions, regulations or the imposition of any conditions on the approval of a preliminary or final plat.

Section 15.1 Applicability of Subdivision Plat Review.

- A. No subdivision of any lot, tract or parcel of land shall be effected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these regulations and with Chapter 177, F.S. as amended.
- B. All plats for subdivisions shall be submitted to the City Council and be approved by it before they shall be recorded.
- C. The provisions contained herein shall apply to all land within the limits of the City of Fellsmere.
- D. The recording of any plats made in compliance with the provisions of this Code shall serve to establish the identity of all lands shown on and being part of such plats, and lands may then be conveyed by reference to such plat.

Section 15.2 Exemptions to Subdivision Plat Review.

- A. This regulation shall not apply to any lot forming a part of a subdivision created and recorded prior to the effective date of this Code, nor is it intended by this regulation to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this regulation or with private restrictions placed upon property by deed covenants running with the land to which the City is a party. Where this regulation imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this regulation shall control.
- B. The following type of land divisions shall be exempted from subdivision plat review, provided however, that any owner, or the owner's authorized agent, who desires to alter the dimensions, land area or boundaries of any lot, parcel or tract for the purpose of sale, lease or other transfer of interest shall first provide such plans and information to the City Manager or designee as deemed necessary in order to assure compliance with all applicable requirements of this Code:
 1. One (1) one-family dwelling located on one (1) lot or tract.
 2. One (1) two-family dwelling located on one (1) lot or tract.

Section 15.3 Preliminary Subdivision Plat Review Procedures.

- A. The applicant shall initiate preliminary subdivision plat review procedures set forth in this section prior to the initiation of improvement plan review procedures for the parcel in question. The procedure for review of a preliminary subdivision plat shall be as follows:
1. **Pre-application Conference:** An applicant, or the applicant's authorized representative, shall request that the City Manager or designee arrange a pre-application conference unless the City Manager or designee agree that a conference is not needed. The conference shall be held at least ten (10) working days before submittal of the proposed preliminary subdivision plat application. The purpose of the conference shall be to acquaint the applicant with substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the City of Fellsmere Comprehensive Plan, the Land Development Code and other development requirements, arrange such technical and design assistance as will aid the applicant in interpretation of requirements, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.
 2. The applicant, at his own discretion, may bring a sketch plan of the proposed subdivision, however, the purpose of the pre-application conference is to discuss procedures and requirements, and to consider elements of the site as they relate to the proposed development. The purpose of the conference is not to grant any preliminary approval except to agree that the proposed use of the property is appropriate according to the City of Fellsmere Comprehensive Plan, zoning regulations, and to determine whether it is reasonable to expect that the proposed development can be accommodated on the site in full compliance with requirements of this Code.
 3. Final development orders shall not be issued without proof of permit issuance or exemption by St. Johns River Water Management District, Florida Department of Environmental Regulations, Florida Department of Transportation, U.S. Army Corps of Engineers, Florida Department of Health and Rehabilitative Services, Florida Department of Natural Resources and/or other appropriate agencies if applicable. The requirements for the applicant to obtain permit issuance or notice of exemption shall be noted on the preliminary plat or plan approval.
 4. No construction may begin until a land development permit is issued.
- B. **Application for Approval:** No application shall be deemed accepted unless it is complete. Acceptance shall not be construed as approval of the project or as a waiver of any of the requirements of this code. The City Manager or designee shall determine whether or not an application is complete and advise the applicant of whether the proposed preliminary subdivision plat application is accepted or not accepted within a period of fifteen (15) working days from the date of the submission. If the proposed preliminary subdivision plat application is not accepted, the City Manager or designee shall inform the applicant in writing of the reason(s) for denial of the proposed preliminary subdivision plat application.
- C. **Recommendation by Technical Review Committee (TRC):** Upon acceptance of the application of the proposed preliminary subdivision plat, the City Manager or designee shall distribute copies of the proposed preliminary subdivision plat to the Technical Review Committee. The proposed preliminary subdivision submittal requirements are listed in Section 15.4 of this Article.

1. The Technical Review Committee shall meet within thirty (30) working days of acceptance of the proposed preliminary subdivision plat to consider the application. The applicant or his agent shall be present at this meeting.
 2. Within fifteen (15) working days following the Technical Review Committee's meeting to consider the proposed preliminary subdivision plat, the Technical Review Committee shall submit to the City Manager or designee written approval or the identification of any discrepancies. The Technical Review Committee may request that additional information, revisions, modifications, clarification or other data applicable to the preliminary subdivision plat application be provided or accomplished by the applicant or his agent.
 3. The City Manager or designee shall, within five (5) working days from the TRC meeting, transmit a letter to the applicant identifying the discrepancies that were discussed at the TRC meeting.
 4. Following receipt of the discrepancy letter the applicant shall respond in writing to each comment and submit five (5) sets of a revised preliminary plat if deemed necessary by the Technical Review Committee or City Manager or designee. The Technical Review Committee may require re-review of the project by the Technical Review Committee.
 5. Once all the Technical Review Committee's comments have been addressed, the City Manager or designee shall prepare a written recommendation to approve, approve with conditions or deny the preliminary subdivision plat application and transmit such recommendation(s) to the owner or the owner's authorized agent, members of the Technical Review Committee and members of the Planning and Zoning Commission, and fix a date for consideration of the proposed preliminary subdivision plat by the Planning and Zoning Commission.
- D. Action by Planning and Zoning Commission. The Planning and Zoning Commission shall consider the recommendations of the Technical Review Committee and Community Development Department, at a public meeting and enter its action or decision upon the proposed preliminary subdivision plat. In order to approve, approve with conditions, or deny the proposed preliminary subdivision plat, the Planning and Zoning Commission must make specific findings respecting each of the matters specified in Subsection E, below, and may prescribe appropriate conditions and safeguards which relate to the City's code and the effect the project will have on the community, and which are necessary to protect the health, safety or welfare of the residents of the City of Fellsmere and surrounding communities. Such conditions shall become a part of the approval.
- E. Standards for Planning and Zoning Commission and City Council Action Upon Proposed Preliminary Subdivision Plats. In order to approve, approve with conditions, or deny the proposed preliminary subdivision plat, the Planning and Zoning Commission and City Council must make specific findings respecting each of the matters specified below and may prescribe appropriate conditions and safeguards which relate to the City's code and the effect the project will have on the community and which are necessary to protect the health, safety or welfare of the residents of the City of Fellsmere and surrounding communities. Such conditions shall become a part of the approval. The approval shall constitute tentative approval as to the character, intensity, general layout and dimensions of streets and other features.
1. That the proposed preliminary subdivision plat meets or exceeds all applicable minimum standards and requirements as set forth in this Code and is consistent

- with all applicable goals, objectives, policies and standards in the City of Fellsmere Comprehensive Plan;
2. That the proposed preliminary subdivision plat will be compatible with the existing and anticipated land use of adjacent properties;
 3. That the environmental impact of the proposed subdivision will not be injurious to the area involved or otherwise detrimental to the public interest, safety or welfare;
 4. That all concurrency requirements are met so that adequate facilities and services necessary to serve development associated with the proposed subdivision will be available and in place at the time of impact of the development or phase thereof;
 5. That the proposed development provide adequate street connections with the existing or planned street network; "adequate connections" may include off-site improvements to or any paving of the existing or planned street network that access and/or serves the project that is needed to ensure free access and circulation; and
 6. The project complies with all rules and regulations established by other governmental agencies with jurisdiction over any aspect of the project.
- F. Transmittal of Preliminary Subdivision Plat to City Council. After the Planning and Zoning Commission has taken action to approve, approve with conditions or deny a preliminary subdivision plat, the City Manager or designee shall cause such plat to be transmitted to the City Council. The City Council shall take action to approve, approve with conditions, or deny the preliminary plat.
- G. Time Limits and Extension of Time Limits Upon Preliminary Subdivision Plats. The preliminary subdivision plat approval shall expire three (3) years after the approval date by the City Council unless the subdivision is to be developed in phases. An applicant may phase a project with specific development time frames that are approved as part of the preliminary plat application request. Development phasing may not cover a period exceeding ten (10) years. Preliminary plat approval for a multi-phased project may exceed the three (3) year time limit referenced above if the first phase of the project is constructed and inspected by the City, and verified as complete, within three (3) years from the date of the preliminary plat approval. Preliminary plat approval will lapse if the approved phase time frames are exceeded, unless extended by the City Council. The City Council may grant one (1) six (6) month extension to extend the validity of the preliminary plat or a phasing schedule, provided that the applicant shall apply to the City Council for such extension at least sixty (60) days prior to the expiration or phase date. The City Council may attach conditions to a schedule extension approval. Under no circumstances may a schedule be modified so as to cover a period of more than ten (10) years from the original date of the preliminary plat approval.
- H. Modifications. Minor modifications to approved preliminary plats may occur between preliminary and final plat approvals. Modifications to roadway layout and lot configuration will require an administrative approval. Modifications that increase the density or the number of lots, or change the area to be platted will require reapproval of the preliminary plat.

Section 15.4. Preliminary Subdivision Plat Submittal Requirements.

- A. The Applicant will submit at least ten (10) sets of the preliminary plats of the proposed subdivision, prepared by a professional engineer or surveyor registered in the State of Florida, and shall supply the City with the following information:
1. Formal application and filing fees as established by a resolution;
 2. Drawings must be designed on sheet(s) twenty-four (24) inches by thirty-six (36) inches;
 3. The drawing must be to a scale not smaller than one inch equals one hundred (100) feet; for subdivisions exceeding one hundred (100) acres, the scale may be as small as one inch equals two hundred (200) feet or as approved by the City.
 4. The name, address and telephone number of the applicant, surveyor and engineer and a list of all the owners of the property;
 5. Location sketches showing existing zoning and land use designation of the subject site and adjacent properties;
 6. Location of all known rights-of-way and easements on the subject site and adjacent properties and the purposes for which they were established on the subject site, the adjacent property within three hundred (300) feet of the site, and the property on opposite sides of surrounding roadways;
 7. Significant topographical areas, including all watercourses, bodies of water, environmentally sensitive lands and wetlands as identified by the St. Johns River Water Management District Wetlands Mapping or other competent evaluation;
 8. Drawings must show the existing site conditions including soil conditions, groundwater table, drainage pattern, floodplain data and vegetation of the subject site and immediately adjacent properties, using U.S. Soil Conservation Service data when available;
 9. Existing facilities should be depicted, including water management, electric, utilities and water and wastewater service;
 10. A general description of the proposed subdivision must be noted including the number of lots to be created, the approximate size and width of lots, and approximate building size, type and use, and proposed phases of development;
 11. A description of the project's boundary;
 12. A statement acknowledging that submittal of incorrect and erroneous information may result in a change of recommendations or requirements to be applied;
 13. Two (2) sealed surveys;
 14. One (1) aerial of the site with overlay of project showing the surrounding three hundred (300) feet of adjacent properties;
 15. Two (2) copies of the owner's deed;
 16. If an agent is used, a letter from the property owner authorizing the agent to function on his behalf;

17. Two (2) copies of a tree and vegetation survey showing the boundaries and acreage of environmentally sensitive areas and environmentally significant areas where such areas exist on-site; and
 18. Five (5) copies of a traffic study that meets all the requirements of the Indian River County Land Development Regulations.
- B. Information Required On the Preliminary Plat. The preliminary plat shall contain the following:
1. Title block;
 2. The name of the proposed subdivision;
 3. County and state;
 4. Date of preparation of the preliminary plat and of any revision;
 5. North arrow and scale;
 6. Legal description and total acreage being subdivided;
 7. Name, address, signature, seal and registration number of the professional engineer and surveyor responsible for all or part of the plat;
 8. A drawing of the subdivision showing proposed:
 - a. Lot lines (with dimensions);
 - b. Rights-of-way;
 - c. Easements;
 - d. Buffer Tracts;
 - e. Green Space;
 - f. Lot and block identification;
 - g. Canals and waterways (existing and proposed);
 - h. Chord distances; and
 - i. Environmentally sensitive land.
 9. A general description of the subdivision including:
 - a. Number of lots;
 - b. Approximate area of the lots;
 - c. Approximate building size and type;
 - d. Projected use of building(s);
 - e. Proposed phases of the subdivision;

- f. Proposed open space and green space, public and private; and
 - g. Gross density of the project. For the purpose of calculating the gross acreage of the project, all planned phases and areas of development to be platted shall be included.
10. Location of permanent reference monuments;
 11. Point of beginning if the description is by metes and bounds;
 12. Street names, proposed on-site and existing within three hundred (300) feet of the site;
 13. Parks and public recreation areas, existing and proposed;
 14. "Not Included" parcels, if any;
 15. A legal description of the site boundary;
 16. A legal description of environmentally sensitive areas;
 17. A list of all jurisdictional agency permits required for the development of the subdivision;
 18. A note stating: "Prior to transfer, the transferee must assume in writing on a form acceptable to the City Attorney, all commitments, responsibilities, and obligations of the prior developer. Failure to give timely notice or to provide the assumption of prior commitment voids the preliminary approval."
 19. Such additional information as may be necessary to ensure that the subdivision complies with the requirements of this Article.
- C. Written information and other materials required:
1. A timetable for commencement and completion of the project for all phases;
 2. The location and distances from all proposed streets to driveways, streets and rights-of-way on both side of any paved or unpaved road within three hundred (300) feet of the project boundaries. All depicted streets and rights-of-way shall be noted as being paved or unpaved;
 3. All applicable information shall be provided by the applicant to demonstrate compliance with traffic studies and impact analyses;
 4. Yard assignments, specifying front, side and rear yard classifications must be noted on all irregularly shaped lots and lots fronting on cul-de-sacs, curves, and more than one (1) street;
 5. Common green space. All residential subdivisions with a density of more than 1.5 units per acre shall provide, in separate tracts, a minimum of 10% of the total project site area as common green space, conservation or recreation space. Conservation and wetland areas may be credited toward this requirement. Stormwater retention/detention areas, rights-of-way and required buffers are not to be included in this calculation (see Section 15.10 for alternative procedure);

6. Identify the location of public and semi-public lands and facilities. Include their dimensions and explain maintenance responsibility and ownership of all lots, tracts, easements and improvements that are proposed to be in common or public ownership;
 7. Identify potable water supply and wastewater disposal system. Indicate required capacity, available capacity, provider, general location and size of lines and connections;
 8. Illustrate by cross section or other appropriate method the typical construction type, dimensions, size and material specifications to be utilized for streets, water retention areas, berms, sidewalks, culverts, swales, walls and other required and proposed site improvements.
- D. Additional information required for preliminary plat applications. In addition to the information required to appear on the preliminary plat, the following information will be required:
1. A survey of the exiting site certified by a registered land surveyor indicating that the survey meets the minimum technical standards for land surveying in Florida pursuant to Section 472.027 F.S., as amended, and Chapter 21HH-6.01, Florida Administrative Code, as amended, with contour lines at one-foot intervals showing the following information:
 - a. Watercourses and all free-flowing wells, if any;
 - b. All water bodies showing the approximate mean high waterline;
 - c. All environmentally sensitive land as defined by the City of Fellsmere Comprehensive Plan;
 - d. All protected trees identified, endangered and threatened plants or animals or archeological resources.
 2. A description of existing site conditions including:
 - a. Soil conditions and analysis;
 - b. Groundwater table;
 - c. Drainage pattern on-site and within two hundred (200) feet of the site boundary;
 - d. The extent, area and type of all native vegetation communities;
 - e. Identify existing trees or tree groupings, as applicable per the tree preservation article, wetlands and other natural vegetation to be retained. Explain or illustrate methods to preserve such features both during and after construction. Identify such features to be removed and state reasons and/or justification for removal;
 - f. Floodplain data on-site and within two hundred (200) feet of the subject site.

3. A sketch showing:
 - a. Any existing water management or utility facilities;
 - b. Proposed stormwater management plan and control facilities and general grading plan;
 - c. Utility sources, distribution and collection lines, if available (including but not limited to water, sewer, fire hydrants, electricity, cable television and telephone);
 - d. Proposed locations of street lights, sidewalks and bike paths, if any and
 - e. Proposed finished grade elevations of all lots.

Section 15.5 Improvement Plan Review.

The applicant shall initiate engineering and construction plan review procedures set forth in this section along with or after approval of the preliminary subdivision plat. The procedure for review of the improvement plans shall be as follows:

- A. Application for Approval. For approval of an improvement plan, the applicant shall submit at least ten (10) copies of the improvement plan, the supplementary materials required to accompany such plan and the fee as established by resolution, to the City Manager or designee. The proposed improvement plan and supplementary materials shall be in the form prescribed in Section 15.6 . No application shall be deemed accepted unless it is complete. Acceptance shall not mean approval. The City Manager or designee shall advise the applicant of whether the proposed improvement plan is accepted or not accepted within a period of fifteen (15) working days from the date of submission. If the proposed improvement plan is not accepted, the City Manager or designee shall inform the applicant in writing of the reason(s) for denial or acceptance of such improvement plan. Failure by the City Manager or designee to specify the reason(s) for denying the acceptance of a proposed improvement plan shall not preclude such reason(s) being specified in denying any reapplication for such plan.
- B. Referral to Technical Review Committee. Upon acceptance of the proposed improvement plan, the City Manager or designee shall distribute copies of the proposed improvement plan to the Technical Review Committee. Within thirty (30) working days of acceptance of the proposed improvement plan, the collective findings of the Technical Review Committee and their collective recommendation respecting approval, disapproval or necessary modification thereof shall be transmitted in writing to the City Manager or designee.
- C. Referral to City Attorney. The City Manager or designee shall transmit a copy of any proposed legal instrument or agreement included in the proposed improvement plan to the City Attorney for review and opinion.
- D. Administrative Official's Action. Upon receipt of the written and collective recommendation of the Technical Review Committee and any comments or opinions of the City Attorney and the City Manager or designee, in accordance with such recommendation, shall enter an order:
 1. Approving such proposed improvement plan subject to any conditions, modifications and specific time limits prescribed by the City Council respecting the preliminary subdivision plat for the parcel in question;

2. Disapproving such proposed improvement plan, or;
 3. Approving such improvement plan subject to any modifications and conditions as the recommendation of the Technical Review Committee and City Attorney may have prescribed and further subject to such conditions, modifications and specific phasing time limits prescribed by the City Council respecting the preliminary subdivision plat for the parcel in question.
 4. If the proposed improvement plan is approved the City Manager or designee shall indicate such approval by signing his/her name on at least one (1) copy of the improvement plan indicating the date of such approval. The approved and signed improvement plan, and required supplementary materials, shall then be filed in the Community Development Department and shall constitute the improvement plan for the parcel in question and a construction site development permit shall be issued.
 5. If the proposed improvement plan is disapproved or approved subject to modification, the City Manager or designee shall return one (1) copy of the improvement plan and required supplementary materials to the applicant along with a copy of his order respecting the same.
- E. Reapplication. If the City Manager or designee enters his/her order disapproving a proposed improvement plan or approving the same subject to modification, the applicant may at any time within sixty (60) days following the date of such order file an amended improvement plan and supplementary material whereupon the same shall be received, reviewed and acted upon in the same manner as hereinabove provided for original applications for approval of an improvement plan, provided that no additional fee for such application shall be required. After sixty (60) days, a new application and fee will be required and the process starts over.

Section 15.6 Engineering and Construction Plan Requirements.

All improvement plans and required supplementary material shall address the entire parcel covered by the preliminary subdivision plat. All improvement plans shall contain at last the following data and information:

- A. General Improvement Plan Requirements. All construction plans and specifications must be prepared, signed and sealed by a professional engineer who is registered in the State of Florida. Engineering calculations and tests in support of any of the proposed plans and specifications may be required. In general, improvement plans shall be suitable for contracting and construction purposes. The improvement plan shall show those subdivision improvements that are assured through an improvement agreement with security, and which must be satisfactorily completed before the security or escrow is released.
- B. Improvement Plan Sheet Data, Size and Scale. Improvement plans shall be drawn at a scale of one (1) inch to fifty (50) feet or larger. Sheet size for improvement plans shall be twenty-four (24) inches by thirty-six (36) inches or thirty-six (36) inches by forty-eight (48) inches. Multiple sheets may be used provided each sheet is numbered and the total number of sheets is indicated on each sheet. Cross referencing between sheets shall be required. Necessary notes and symbol legends shall be included. Abbreviations should be avoided but if used they shall be defined in the notes.
 1. The identification "improvement plan", the date, scale, revision date (if any), development name and other such information shall be shown in a convenient

grouping in the lower right hand corner of every sheet in a conventional title block.

2. Each copy of an improvement plan required to be submitted to the City Manager or designee shall bear the original signature of an engineer licensed as a professional engineer by the State of Florida and authorized by the applicant who shall also certify that the drawing was prepared at his instruction and that the information shown is correct.
- C. Improvement Plan Required Information.
1. A cover sheet, including a location map;
 2. Complete details including water, sewer, and storm drainage system. The proposed general location of wells and septic tanks (if any) shall be in conformity with the requirements of the Indian River County Health Department and all state and local ordinances;
 3. A master stormwater management and flood protection plan, including stormwater retention and detention areas, and complete calculations and exhibits as required by Article VII;
 4. Construction details showing compliance with City standards or alternate design as approved by the City's engineer;
 5. Special profile sheets, if necessary, showing special or unique situations;
 6. Benchmark location, based on National Geodetic Vertical Data (N.G.V.D.);
 7. Soil analysis, showing the locations and results of test borings of the subsurface condition of the tract to be developed, when required by the City. At least one (1) such test shall be provided every three hundred (300) feet of road construction. Soil conservation service information may be used when available. Where impervious soils or muck are encountered, the plans shall reflect a satisfactory design to cope with such conditions;
 8. The plans shall contain the special conditions and specifications pertaining to the subdivision in note form on the plans, such as:
 - a. Required compliance to the subdivision requirements;
 - b. Where applicable, required compliance with state standards as currently adopted and in use;
 - c. Minimum standards for materials;
 - d. Test requirements for stabilization, base and backfill
 - e. Source of water and sewer services;
 - f. Traffic-control devices and pavement markings.
 9. The plan and profile of each proposed street and improvement to existing streets such as deceleration or turn lanes (indicating the existing ground surfaces and proposed street grade surfaces including extensions for a distance of fifty (50) feet beyond the tract boundary) with tentative finished grades indicated, and lot

- grading plan and including easement or tract work, clearing and grubbing, and structural details of facilities in the rights-of-way;
10. A typical cross-section of each type of proposed street or bikeway, showing the width of pavements, the location and width of sidewalks, where required, and rights-of-way;
 11. Proposed erosion control facilities and the limits of earthwork construction, both as to final construction and for protection during construction;
 12. Plans for street lighting, landscaping, parks, green space, buffers, recreational areas and parking areas. All required landscape buffers will be in separate tracts. Storm water retention areas and rights-of-way are not to be included in this calculation;
 13. The plans shall have applicable approvals of all governmental agencies which are affected by the construction and have jurisdiction;
 14. Provide a landscape and tree protection plan. Identify material specifications, planting/removal/relocation and instructions and irrigation system location and specifications;
 15. Projects engineered by more than one firm shall be coordinated by a single engineering firm or an engineer of record appointed by the developer;
 16. A certificate from a surveyor registered in the State of Florida that a permanent or temporary reference marker has been located in the public right-of-way at a corner point of the subdivision near the entrance way of the proposed subdivision. The reference marker shall be identified on the plat of the subdivision and shall be used to establish the grade level for all improvements in the subdivision;
 17. Where the design of the subdivision includes man-made canals or waterways, plans of the proposed construction will be included and shall indicate:
 - a. All bulkhead lines (if any);
 - b. Details of bulkhead construction (if any);
 - c. Detailed cross-sections showing existing and proposed depths; and
 - d. Location of hard pan, muck or other unique soil conditions.
 18. The developer shall submit copies of the applications to or permits from all other permitting agencies that are applicable to the project;
 19. Indicate fire hydrant locations and type of internal fire protection systems, if any, to serve the buildings;
 20. A detailed statement of the method of assuring the perpetual ownership and maintenance of permanent open space, recreational facilities or other common purposes and/or improvements shall, when utilized, include draft copies of covenants, agreements, dedications, stipulations, common vehicular access agreements, property owner association articles and other applicable documents or legal instruments for review and opinion of the City Attorney. Every subdivision, residential or commercial, shall have an incorporated association responsible for

the operation and maintenance of the subdivision, and it shall own the common areas, unless they are owned by a governmental agency.

21. The impact on the level of service to the following:
 - a. Traffic circulation, thoroughfares, transportation routes including bicycle and pedestrian ways;
 - b. Sanitary sewer, solid waste, drainage, potable water, natural ground water and discharges to surface areas;
 - c. Environmental impacts affecting natural resources in the area including air, water, recharge areas, wetlands, water wells, estuarine marshes, soils, beaches, shores, floodplains, rivers, bays, lakes, harbors, forest, fisheries and wildlife, marine habitat, minerals and other natural and environmental resources;
 - d. Recreational areas either public or private, including but not limited to parks, playgrounds, parkways, natural reservations, beaches, open spaces and other recreational facilities;
 - e. Housing within area of property including low-income and moderate income families, mobile homes, group home facilities and foster care facilities;
 - f. Any required elements of the City's Comprehensive Plan not covered above in this subsection.

22. Approval of a proposed improvement plan for the parcel in question shall serve as the basis for the issuance of site development permits. Action to approve the proposed improvement plans, or approve with conditions, shall be valid for a period of six (6) months during which time a site development permit must be issued. If such time limit shall thereafter expire without the issuance of a site development permit, the City Manager or designee may grant one extension not to exceed six (6) months; however, an applicant must apply for an extension at least thirty (30) days prior to expiration. Thereafter, the process starts over.

Section 15.7 Final Plat Review Procedures.

A final plat is a drawing of the final design of a site or a phase showing the boundaries and locations of all lots and provides a perpetual record of the subdivision. The final plat shall be submitted within three (3) years of approval of the preliminary plat unless the subdivision is to be developed in phases, as provided in Section 15.3. The procedure for review of final plats shall be as follows:

- A. Application for Approval: The applicant, for approval of a final plat, shall submit at least ten (10) copies of the final plat, the supplementary materials required to accompany such plat and the fee as established by resolution to the City Manager or designee, such plat, supplementary materials and fee being collectively hereinafter called the "proposed final plat". No application shall be deemed accepted unless it is complete. Acceptance shall not mean approval. The City Manager or designee shall advise the applicant whether the proposed final plat is accepted or not accepted within a period of fifteen (15) working days from the date of submission. If the proposed final plat is not accepted, the City Manager or designee shall inform the applicant in writing of the reasons for denial of acceptance of the proposed final plat. Failure by the City Manager or designee to specify

the reasons for denying the acceptance of proposed final plat shall not preclude such reasons from being specified in denying any reapplication for such plat.

- B. Referral to Technical Review Committee: Upon acceptance of the proposed final plat, the City Manager or designee shall distribute copies of the proposed final plat to the Technical Review Committee. Within thirty (30) working days of acceptance of the proposed final plat, the collective findings of the Technical Review Committee respecting the proposed final plat and their collective recommendation respecting approval, disapproval or necessary modification thereof shall be transmitted in writing to the City Manager or designee.
- C. Administrative Official's Action. Upon receipt of the written and collective recommendation of the Technical Review Committee, the City Manager or designee, in accordance with such recommendation shall:
 - 1. Request that additional information, revisions, modifications, clarification or other data applicable to the final plat be provided or accomplished by the applicant or his agent; and/or
 - 2. Prepare a written recommendation to approve, approve with conditions or deny the proposed final plat and transmit such recommendation to the applicant or his agent;
 - 3. Fix a date for consideration of the proposed final plat by the Planning and Zoning Commission and the City Council.
- D. Action by the City Council. Following the meeting of the Planning and Zoning Commission, the City Council shall consider the recommendation of the Technical Review Committee and the Planning and Zoning Commission and thereafter approve, approve with conditions or deny the final plat.

Section 15.8 Final Plat Requirements.

- A. Final plat: The approved final plat is the official record of the subdivision to be filed with the County Clerk. It is verification that the subdivided land has been developed substantially in accordance with the approved preliminary plat and, if the required improvements have not been completed, that security in the amount of 125% of the estimated cost of the improvements has been posted which will secure the development as specified in the final plat. The final plat must be approved by the City Council and recorded by the Clerk of the Circuit Court before the developer may sell any lot or parcel.
- B. Procedure: No final plat application shall be submitted for approval prior to the issuance of land development permit. The plat shall be accompanied by:
 - 1. A complete final plat application as furnished by the Community Development Department;
 - 2. The appropriate filing fee and application;
 - 3. A certificate of concurrency covering the area to be platted;
 - 4. When required in conjunction with a construction contract or maintenance agreement, a certified cost estimate shall be prepared by the developer's engineer and shall include the cost of surveying, engineering and construction of all required improvements in substantially the following form:

CERTIFICATE OF COST ESTIMATE

I, _____, A Florida registered engineer, License No. _____, do hereby certify to The City of Fellsmere, that a cost estimate has been prepared under my responsible direction for those improvements itemized in this exhibit and that the total cost estimate for said improvements is \$ _____. This estimate has been prepared, in part, to induce approval by the city of a final plat for the _____ Subdivision, and for the purpose of establishing proper security amounts associated therewith.

(Signature)

(Print Name of Florida Registered Engineer)

No. _____
(License No.)

[AFFIX SEAL]

As an alternative, the actual contract price(s) plus ten percent (10%) may be substituted for the engineer's cost estimate. For residential subdivisions, when using actual contract price(s), contracts for construction of required improvements shall be limited to twenty-five (25) percent of all required improvements.

5. Appropriate security for required improvements as specified in this Code unless a certificate of completion has been issued by the Community Development Department;
6. Ten (10) copies of the final plat drawing showing required information and certifications;
7. Security for maintenance of improvements meeting the requirements of this Code when a certificate of completion has been issued.
8. The original property owners' association documents to be recorded with the final plat, unless already recorded, which accept the responsibility for maintenance of all private streets, rights-of-way, easements, tracts, green space, parks, recreation areas, stormwater management facilities or other improvements;
9. The original declaration of covenants and deed restrictions to be record with the final plat, unless already recorded, where such covenants and restrictions are required by the City or established by the applicant; and
10. The City Manager or designee, shall determine whether or not an application is complete and can be routed for interdepartmental review. No incomplete application shall be routed for review.

- C. Format of drawings. The final plat shall be:
1. Prepared by a land surveyor registered and licensed in the State of Florida;
 2. On sheets twenty-four (24) inches by thirty-six (36) inches, with one-half-inch margin on three (3) sides and a three-inch margin on the left side for binding;
 3. To a scale not smaller than one inch represents one hundred (100) feet. For subdivisions exceeding one hundred (100) acres, the scale may be as small as one inch represents two hundred (200) feet or as approved by the City Manager or designee;
 4. Clearly drawn or printed with permanent black drawing ink;
 5. On linen tracing cloth or stable base film a minimum of 0.003 inches thick coated upon completion with plastic material or a non-adhered scaled print on a stable base film made by photographic processes to ensure permanency; and
 6. Printed with lettering no smaller than one-eighth (1/8) inch, with a commensurate letter-line width.
- D. Information required, (all information as required in Section 177.091, F.S., as amended)..). The final plat shall contain:
1. A title block;
 2. The name of the proposed subdivision which shall not duplicate nor closely approximate the name of any other existing subdivision in the county. If the plat is an addition to an existing subdivision, it shall bear the same name as the existing subdivision. For planned developments, plats shall contain "PD" within the title;
 3. The name of the city, county and state;
 4. The legal description;
 5. The date of preparation of the final plat and of any revisions;
 6. A prominent "north arrow" on each sheet showing any portion of the subdivided lands; also, the reference bearing or azimuth in the notes or legend;
 7. The scale stated and graphically illustrated on each sheet;
 8. An index sheet on page one showing the entire subdivision and indexing the area shown on succeeding sheets. Each sheet must show the particular number of the sheet and the total number of sheets as well as clearly labeled match lines;
 9. The point of beginning shown together with the letters P.O.B. in bold letters when a point of beginning is used in the legal description;
 10. The initial point in the description shall be accurately tied to the nearest government corner, and a second point shall be tied to a second government corner. A certified corner record must be submitted to the county surveyor and to the department of environmental protection for each such corner, in accordance with Chapter 177, Part III, as amended;

- a. Ties to at least two (2) Indian River County Horizontal Control Network (IRCHCN) monuments shall be provided if any portion of the site to be platted is within one (1) mile of one (1) such monument. . Where such ties are required, state plane coordinates shall be shown on the certified corner records. This requirement to tie into the IRCHCN may be waived by the county surveyor for subunits or replats of plats that have already been tied into the IRCHCN.
 - b. Ties to government corners and to IRCHCN monuments shall conform to FGCC Third Order Class I standards and shall be so certified on the face of the plat under the certificate of surveyor.
11. A location sketch showing the existing zoning and land use classification of the subject site and of the adjacent property;
 12. All adjacent property identified by the subdivision name, plat book and page number; if not platted, so state;
 13. Boundary lines of the subdivided tract shown as a heavy line;
 14. County and city limit lines within or abutting the tract;
 15. Permanent reference monuments and permanent control point locations as prescribed in Chapter 177, F.S., as amended, and installed prior to submission of final plat;
 16. Survey data including all pertinent dimensions;
 17. Lot and block identification. Each lot and each block shall be identified;
 18. Street names;
 19. The location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat by bearing and distances;
 20. "Not included" parcels to be labeled "not a part of this plat";
 21. The intended use of all reserved areas shall be shown on the plat;
 22. All areas within the plat boundaries labeled as either lots, rights-of-way, or tracts. The use and maintenance responsibilities of all tracts shall be noted on the plat;
 23. All easements including limited access easements shall be graphically depicted and dimensioned;
 24. The following statements shall be noted on the plat in a prominent place:
 - a. "Notice: No construction, trees or shrubs will be placed in easements without city approval";
 - b. "Notice: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this County"; and
 - c. "Notice: Routine maintenance (e.g. mowing, etc.) of easements shall be the responsibility of the lot/property owner(s) and not The City of Fellsmere."

- 25. A three-inch-by-five-inch space in the upper right-hand corner of each sheet to be used by the clerk of the circuit court for recording information. The following shall be depicted within said space:

PLAT BOOK: _____
 PAGE: _____
 DOCKET NUMBER: _____

- 26. No strip or parcel of land reserved by the owner unless it is of sufficient size to be of some particular use or service or is environmentally sensitive; and
- 27. The boundary of the final plat having a mathematical error of closure not greater than .01 foot. Any plat undertaking to establish a local tidal datum and determine the location of the mean high water line or mean low water line shall comply with the notification requirements of Section 177.37, F.S., as amended;

E. Covenants, restrictions, reservations:

- 1. All covenants, restrictions or reservations placed by the developer or required by the City shall appear on the final plat or be established by separate recorded document, which documents shall be submitted to the City with the final plat. If done by separate document, the public record location of such documents shall be indicated beneath the subdivision name as follows: "Covenants restrictions, or reservations affecting the ownership or use of the property shown in this plat are filed in Official Record Book No. _____, Page _____."
- 2. When the subdivision to be platted is not serviced by public potable water and/or wastewater collection systems, the following statement, completed as appropriate, shall be listed on the final plat: "In the future, when a potable water distribution and/or a wastewater collection system becomes available to service the subdivision, service improvement(s) and connections(s) to all lots shall be made by the property owners and shall be paid for by the property owners."

F. Certifications: The final plat shall contain on the face or first page the following certifications, dedications, and approvals, all executed and acknowledged as required by law, in the forms set forth below:

- 1. Dedications: The purpose of all reserved areas shown or referred to on the plat and of the improvements shall be defined in the dedication. All areas reserved for use by the residents of the subdivision, and all areas or facilities intended for public use, shall be specifically dedicated by the owner of the land at the time the plat is recorded. All streets, rights-of-way, easements, tracts and recreation facilities designed to serve more than one property owner shall be dedicated to an incorporated property owners' association, unless required by the City to be dedicated to the City, in a manner that will ensure access to and use by present and future owners of the properties to be served. Where private dedications are involved, ownership and maintenance association documents shall be submitted with the final plat. The dedication shall clearly dedicate the private facilities to the association without recourse to the association, City or any other public agency. All dedicated areas shall be identified as tracts unless all such areas are dedicated to one entity and clearly identifiable. All dedications shall be in the following forms or as approved by the City Attorney:

CERTIFICATE OF DEDICATION

(Corporate)

STATE OF _____

COUNTY OF _____

KNOW ALL MEN BY THESE PRESENTS, that *(exact corporate name)*, a *(state)* corporation, fee simple owner of the land described and platted herein, as *(exact name of subdivision)*, being in the City of Fellsmere, Florida, have caused said lands to be surveyed and platted as shown hereon and does hereby dedicate as follows:

(Individual)

KNOW ALL MEN BY THESE PRESENTS, that _____, fee simple owner of the land described and platted herein, as *(exact name of subdivision)*, being in the City of Fellsmere, has caused said lands to be surveyed and platted as shown hereon and does hereby dedicate as follows:

(SELECT AS APPROPRIATE):

a. Streets and rights-of-way:

1) For public streets:

All streets and rights-of-way shown on this plat (name specifically if less than all) are hereby dedicated in perpetuity to the City of Fellsmere, Florida for the use and benefit of the public for proper purposes.

2) For private streets:

All streets and rights-of-way shown on this plat (name specifically if less than all) are hereby declared to be and shall remain private. They are dedicated for the use and benefit of the owners and residents of this subdivision, and shall be the perpetual maintenance obligation of the *(state exact legal name of maintenance entity)*. All public authorities, including but not limited to police, fire, ambulance, Mosquito Control District and utility providers shall have the right to use the streets in the course of performing their respective duties. The City Council of the City of Fellsmere, Florida, shall have no responsibility, duty or liability whatsoever regarding such streets.

b. Utility easements: The utility easements as shown are hereby dedicated in perpetuity to the *(state exact name of the entity)* for construction, installation, maintenance and operation of utilities by any provider, including cable television services: provided, however, no such construction, installation, maintenance and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. Such construction, installation,

maintenance and operation by a cable television company shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

- 1) When the subdivision plat provides street-side utility easements, the following additional statement shall be added to the previously listed utility easements dedication language:

"Front yard utility easements are subject to the right of each lot to have a driveway for ingress/egress as approved by the city."

- c) Drainage easements and stormwater management tracts:

- 1) The drainage easements as shown are dedicated in perpetuity to and shall be the perpetual maintenance obligation of the (give exact name of maintenance entity) for construction and maintenance of drainage facilities.

- 2) When the subdivision plat provides street-side drainage easements, the following additional statement shall be added to the previously listed drainage easements dedication language:

"Front yard drainage easements are subject to the right of each lot to have a driveway for ingress/egress as approved by the City."

2. The stormwater management tracts as shown are dedicated in perpetuity to and shall be the perpetual maintenance obligation of the (give exact name of maintenance entity) for construction and maintenance of such facilities.

3. When the stormwater tracts are to be dedicated to a private entity and not the city, the following additional statement shall be added to the previously listed stormwater management tracts dedication language:

"The City of Fellsmere is granted the right to use and drain into the tracts and also granted the right, but not the obligation, to perform emergency maintenance on the tracts."

4. The Indian River County Mosquito Control District has the right of entry upon these tracts for the limited inspection, prevention, or treatment of mosquito control infestations.

5. Parks, green space and recreation areas. The parks, green space and recreation areas as shown are dedicated in perpetuity for the (exclusive use and enjoyment of the owners of lots in this subdivision) (use and enjoyment of the public) and shall be the perpetual maintenance obligation of (give exact name of maintenance entity).

6. Limited access easements. The limited access easements as shown are dedicated in perpetuity to the City of Fellsmere, Florida for the purposes of control and jurisdiction over access rights.

- 7. Conservation easements as shown are dedicated in perpetuity to (the exact name of the entity) for the purpose of preservation of native vegetation. (If the entity is not a governmental agency, the entity is subject to the approval of the City Council.

(ADD APPROPRIATE CONCLUSION):

(CORPORATE)

IN WITNESS WHEREOF, the above named corporation has caused these presents to be signed by its _____ and its corporate seal to be affixed hereto by and with the authority of its board of directors this _____ day of _____, 20____.

(FULL CORPORATE NAME), a corporation of the State of _____

By: _____ (Signature of president or vice president or chief executive)
Type Name and Title of Officer

(Signature must have two (2) witnesses or be under corporate seal and signed by the President, Vice President or any other officer who is the chief executive officer).

(INDIVIDUAL)

IN WITNESS WHEREOF, (I) (we), (name(s), have hereunto set (my) (our) hand(s) and seal(s) this _____ day of _____, 20____.

WITNESSES:

_____(Signature)

(Typed name)

_____(Signature)

(Typed name)

(ADD ACKNOWLEDGEMENT OF THOSE EXECUTING THE DEDICATION)

- 8. Joinder and consent to dedication by mortgagee or other party in interest:

MORTGAGEE'S CONSENT

STATE OF _____

COUNTY OF _____

The undersigned hereby certifies that it is the holder of (a) mortgage(s), lien(s), or other encumbrance(s) upon the property described hereon and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof and agrees that its mortgage(s), lien(s), or other encumbrance(s) which (is)(are) recorded in Official Record Book _____ at Page(s) _____ of the Public Records of Indian River County, Florida, shall be subordinated to the dedication shown hereon.

(CORPORATE)

IN WITNESS WHEREOF, the above named corporation has caused these presents to be signed by its _____ and its corporate seal to be affixed hereto by and with the authority of its board of directors this _____ day of _____, 20____.

(FULL CORPORATE NAME), a corporation of the State of _____

By: _____(Signature of president or vice president or chief executive)
Type Name and Title of Officer

(Signature must have two (2) witnesses or be under corporate seal and signed by the President, Vice President or any other officer who is the chief executive officer).

(INDIVIDUAL)

IN WITNESS WHEREOF, (I) (we), (name(s)), have hereunto set (my) (our) hand(s) and seal(s) this _____ day of _____, 20____.

WITNESSES:

_____(Signature)

(Typed name)

_____(Signature)

(Typed name)

(ADD ACKNOWLEDGEMENT OF THOSE EXECUTING MORTGAGEE'S CONSENT)

Note: In accordance with Section 177.081, F.S., as amended, this joinder may be executed by a separate instrument joining in and ratifying the plat and all dedications thereon. If this means of joinder is used, such fact must be stated on the plat together with a reference to the location in the public records of such separate instrument.

9. Certificate of title: A title certification shall appear on the face or first page of each plat and shall state:

- a. The lands as described and shown on the plat are in the name of, and apparent record title is held by, the person, persons, or organizations executing the dedication;
- b. That all taxes have been paid on said property as required by Section 197.192, F.S., as amended; and
- c. The official record book and page number of all mortgages, liens, or other encumbrances against the land, and the names of all persons holding an interest in such mortgage, lien or encumbrance. (If there are no mortgages, liens or encumbrances, a statement to that effect shall be included.)
- d. The title certification shall be an opinion of a Florida attorney-at-law or the certification of an abstract or title insurance company licensed to do business in Florida. The City reserves the right to require that the title certification be brought current at the time of final plat approval.

10. Certificate of surveyor. The plat shall contain:

- a. The signature, registration number and official seal of the land surveyor, certifying the survey data compiled and shown on the plat complies with all of the requirements of Chapter 177, F.S., , as amended, in the following forms:

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that on _____ he completed the survey of the lands as shown in the foregoing plat; that said plat is a true and correct representation of the lands surveyed; that the survey was made under my direction and supervision; that the survey data complies with all requirements of Chapter 177, F.S., as amended; that said land is located in Indian River County, Florida; that the plat complies with the City of Fellsmere's Land Development Code; and the permanent reference monuments have been set.

Dated _____ Registration No. _____

- b. Each Permanent Control Point "P.C.P." will be set under the direction and supervision of the surveyor. When required improvements have been completed prior to the recording of a plat, the certification shall state that each P.C.P. has been set in compliance with the laws of the State of Florida and ordinances of Indian River County. When plats are recorded and improvements are to be accomplished under security posted as provided for by this ordinance, the required improvements and security shall include each P.C.P. and the P.C.P.s must be set prior to the expiration of the security. In this case the certification will state that each P.C.P. will be set and the surveyor will file an affidavit of record when set in place.

11. Certificate of approval by the City Council. The plat shall contain the approval and signature block for the Mayor and the acknowledgement and signature block of the City Clerk, the City Attorney and the City's reviewing engineer. In the event the plat contains dedications to the City, this certificate shall also indicate whether the City accepts in whole or in part the dedications made. The following form is acceptable:

CERTIFICATE OF APPROVAL BY THE CITY OF FELLSMERE

THIS IS TO CERTIFY that on _____ the foregoing plat was approved by the City Council of the City of Fellsmere, Indian River County, Florida. *(Address acceptance of dedications in whole or in part, as appropriate.)*

(Typed name), Mayor

(Typed name), City's Reviewing Engineer

Attest to Mayor's signature:

(Typed name), City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

(Typed name), City Attorney

- 12. Certificate of approval of City's Reviewing Surveyor: The plat shall contain a certification that it conforms to the requirements of Chapter 177, F.S.. The following form is acceptable:

CERTIFICATE OF CITY SURVEYOR

STATE OF _____

COUNTY OF _____

This plat of a subdivision has been reviewed by the undersigned professional surveyor and mapper hired by the City of Fellsmere who hereby certifies that this plat conforms to the requirements of Chapter 177, F.S.

Date

(Signature)
(Insert the name of the reviewing surveyor)
City Surveyor

- 13. Clerk's Certification:

STATE OF FLORIDA

COUNTY OF INDIAN RIVER

I do hereby certify that I have examined this plat of _____ subdivision and that it complies with all the requirements of Chapter 177 F.S., as amended, and was filed for record this _____ day of _____, 20____, and recorded in Plat Book _____ on Page _____ as Docket No. _____ in the Office of the Clerk of Circuit Court in and for Indian River County, Florida

By: _____
Jeffery K. Barton
Clerk of the Circuit Court
Indian River County, Florida

- 14. Instrument prepared by. The name and address of the natural person who prepared the plat shall be contained on the plat. The name and address shall be in statement form consisting of the words, "This instrument was prepared by (name), (address)."

- 15. Signatures. All signatures required shall be originals on the final plat and shall be made in permanent dark ink acceptable to the Clerk of the Circuit Court.

G. Review of final plat documents. The City Manager or designee shall schedule all applications for review by the TRC, in the same manner as stated in this Article for preliminary plats. The Clerk of the Circuit Court and City Surveyor must review mylars prior to scheduling the final plat for review by the City Council.

H. Approval by the Council. Upon completion of the City staff review, the final plat and application along with recommendations shall be forwarded to the City Council for review and consideration for approval. The City Council shall determine whether the final plat is in substantial conformity with the preliminary plat and meets all the requirements of the

- laws, rules and regulations of the City of Fellsmere and after consideration shall approve, postpone for future consideration, approve subject to specified conditions or disapprove for stated reasons. In rejecting any final plat, the Council shall provide reasons for such action and recommendation making reference to specific sections in these regulations and Chapter 177 F.S., as amended, or applicable City policy established by the Council. The Community Development Department shall send a copy of such reasons to the developer within fifteen (15) working days following the Council meeting. The applicant may comply with the recommendations made by the Council and resubmit the final plat to the City for processing as prescribed above. The Council shall indicate its approval on the final plat by signature of the Mayor.
- I. Recording. The final plat shall then be accepted by the City Clerk for recording in the Office of the Clerk in and for the Circuit Court of Indian River County. After recording, the developer may sell lots.
 - J. Acceptance of public improvements. Approval of said final plat shall constitute acceptance by the City of all public areas or improvements dedicated to the City of Fellsmere according to the terms set out in the acceptance block.
 1. The owner shall be required to post security and maintain the accepted improvements in good condition for a period of three (3) years from the date that a certificate of completion is issued by the City Manager or designee. At the end of the three-year period, the improvements shall be in such condition that they meet the requirements of this Ordinance as it existed at the time of approval of the final plat.
 2. The City accepts no obligation to perform any act of construction or maintenance except when the obligation is voluntarily and expressly assumed by the City.
 3. The City shall withhold all public improvements, including the maintenance of streets, from all subdivisions which have not been accepted in the manner herein provided.
 4. No changes, erasures, modifications or revisions shall be made in any final plat after approval unless the plat is first resubmitted for approval.
 5. There shall be no reference to any possible reversion of any property in the dedication of a plat.
 6. The developer shall pay all of the costs of public improvements and certify that they have been paid at the time of dedication or at the time of issuance of a certificate of completion.
 7. All mortgagees or others having a lien on the land shall join in or ratify the plat and all dedications thereon executed and shall certify that all dedicated lands are free from such mortgages or other liens.
 8. The City will accept no obligation to repair or maintain navigable canals, waterways or bulkheads. Waterways and canals must be dedicated to and accepted by a property owners' association. Bulkheads that abut private or public streets must also be accepted for maintenance and repair by the property owners' association.

- K. Plat vacation requests. Plat vacation requests shall be made through the Community Development Department on applications furnished by that Department. A filing fee established by the City Council by resolution shall accompany any request. The request will be reviewed by the Technical Review Committee. Prior to the Technical Review Committee meeting, the City Manager or designee shall notify (by regular mail) adjacent property owners regarding the plat vacation request. The request will be scheduled for consideration by the City Council in accordance with Section 177.101, F.S., as amended which governs plat vacations.
- L. Right-of-way abandonment requests. Right-of-way abandonment requests are made through the Community Development Department on applications furnished by that Department. A filing fee established by the City Council by resolution shall accompany any request. The request shall be reviewed by the Technical Review Committee (TRC). Prior to the TRC meeting, the City Manager or designee shall notify (by regular mail) adjacent property owners regarding the right-of-way abandonment request. Once the applicant has adequately addressed all TRC comments, the abandonment request will be scheduled for consideration by the City Council.

Section 15.9 Compliance Required; Exceptions.

- A. Unlawful activity. It shall be unlawful and subject to the penalties provided herein for any person to:
1. Create a subdivision without first complying with the provisions of this Article and filing a plat approved by the City Council unless exempt under this Article. The dividing or reconfiguring of land into two (2) or more parcels without filing a plat under the provisions of this Article, where the land divided or reconfigured was the result of a previous division of land into two (2) or more parcels which occurred after December 17, 1956, is prohibited.
 2. Divide or reconfigure property by any means for the purpose of sale or transfer of title unless each of the resulting parcels has at least the minimum area, width and depth requirements prescribed by the zoning regulations and Comprehensive Plan of the City of Fellsmere as applied to the lots created, unless exempt under this Article.

Section 15.10 Required Improvements.

- A. Each subdivision shall contain the following improvements designed and constructed to conform to the requirements and specifications in the applicable laws of the City of Fellsmere and the State of Florida:
1. Streets. All streets shall be paved and meet FDOT specifications. The pattern of streets shall provide for the continuation of existing or proposed streets from adjoining areas. Extensions of existing public roads may be required to provide adequate access and circulation, and/or to mitigate against the negative impacts of developments having lengthy dead-ended streets or closed street systems.
 2. Easements;
 3. Utilities Systems;
 4. Erosion control provisions;
 5. Permanent Control Points;

6. Street signs and traffic control markings and signs. All traffic control devices shall be designed to be in conformance with the Manual of Uniform Traffic Control Devices, FHWA;
 7. Rights-of-way. All rights-of-way will be dedicated without compensation to the City, County or to a property owners' association, and no variance will be granted on minimum right-of-way widths for public streets;
 8. Upland and Wetland protection;
 9. Stormwater and floodwater management systems. Stormwater shall be retained in a lake. Drainage swales shall be permitted only for conveyance purposes and shall not count toward meeting capacity requirements. Dry detention may be used only in circumstances where retention in a lake would conflict with the City's or County's aquifer recharge policies or with preservation of trees and native vegetation or if warranted by soils;
 10. Sidewalks shall be provided on at least one (1) side of all roads within residential projects unless all lot sizes are one (1) acres or more;
 11. Buffers. Where residential abuts multi-family, a fifteen foot (15) Type B rear and side buffer shall be required. Where a professional office abuts residential a fifteen foot (15) Type B rear and side buffer shall be required. Where commercial abuts residential a fifteen-foot (15) Type A rear and side buffer shall be required. Where industrial abuts commercial a fifteen-foot (15) Type B rear and side buffer shall be required. Where industrial abuts residential a 25' Type A rear and side buffer with an opaque feature will be required. Where residential abuts or contains an existing or proposed historical or collector streets, a twenty-five (25) foot Type A landscape buffer shall be required. All buffers will be constructed in separate tracts; and
 12. Common green space. All residential subdivisions with a density of more than 1.5 units per acre shall provide, in separate tracts, a minimum of ten (10%) percent of the total project site area as common green space for parks and recreation space. Conservation areas and wetlands may be credited toward this requirement. In lieu of providing the land to meet the ten (10%) percent common green space requirement, the developer may request the City Council to accept a payment into the City's Recreation Trust Fund in an amount equivalent to the value of the land necessary to comply with this requirement. If the City Council, in its sole discretion, accepts the cash payment in lieu of land, the amount of the payment shall be the value of the land as determined by an MAI appraisal based on the proposed use/density of the final end product. The City shall hire the appraiser and be reimbursed for this cost by the developer.
- B. Improvements that may be required:
1. Bikeways and Sidewalks. The project developer shall be responsible for the provision of a bikeway(s) and sidewalk(s) along the project site's frontage on all rights-of-way or easements. The City may, at their discretion, determine sidewalks and bikeways shall be required on internal rights-of-way or easements;
 2. Fire hydrant systems shall be provided in all subdivisions served by a water system;

3. Parks and recreational areas and facilities. Recreation tracts shall be located, designed, constructed, maintained and operated in such a manner that minimizes adverse noise and lighting impacts on adjacent or nearby residents;
4. Curbing (such as mountable, non-mountable, Miami gutter) is required along both sides of all roads within subdivisions having individual lots of 1.5 acres or less;
5. Streetlights;
6. Traffic system improvements, including control devices as necessary, both on-site and off-site;
7. Environmentally sensitive land preserve areas;
8. Emergency access: Based on the recommendation of Emergency Services, one or more emergency access ways may be required along with corresponding easements, construction and maintenance provisions;
9. Native vegetation preserve areas;
10. Filing and drainage as necessary;
11. Bridges and culverts when necessary;
12. Alleys; and
13. Any other improvements deemed necessary by the City Council for the health, safety and welfare of the City of Fellsmere.

Section 15.11 Guarantee of Improvements.

Prior to the recording of a final plat, the installation, completion and maintenance of all required improvements shall be guaranteed by security in conformity with all applicable provisions of this Code.

Section 15.12 Vacation of Plats.

Subdivision plats or a portion thereof shall be vacated in the manner prescribed by law and shall be initiated in one of the following described manners:

- A. By owner. The owner of any land subdivided into lots located in the City of Fellsmere may apply to the City in the manner prescribed by law to remove, vacate and abandon an existing plat or portion thereof from the official records of Indian River County. The applicant shall submit the petition, proof of publication of notice of intent, certificate of title, statement of taxes and resolution and a survey and legal description of the land area involved in the application as prepared and signed by a registered surveyor and shall pay the fee as established by resolution. The Technical Review Committee shall review such proposed application for vacation and transmit any recommendation to the City Council. If approved the application shall be acted upon by the City Council. The City shall be responsible for recording the vacation and the proof of publication with the Clerk of the Circuit Court of Indian River County, and the applicant shall pay all costs.

- B. By City Council. The City Council may vacate and abandon all or part of a subdivision located in the City of Fellsmere. Such action may include the vacation of streets, lots, tracts or other parcels. Such action shall be based on findings by the City Council that the proposed vacation and abandonment:
1. Is consistent with the City of Fellsmere Comprehensive Plan;
 2. Promotes the public health, safety, economy, comfort, order, convenience and welfare;
 3. Does not result in a violation of this Code;
 4. Does not result in the owner of any parcel of land being deprived by the vacation and abandonment of the plat or portion thereof in question, of reasonable access to such parcel, nor of reasonable access from such parcel, to existing facilities to which such parcel has theretofore had access; provided, however, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

Before acting on a proposal for vacation and abandonment of subdivided land, the City Council shall hold an advertised public hearing in the manner prescribed by law.

Section 15.13 Replats and Corrections.

- A. Substantially Similar Plats. If a platted area is proposed to be replatted, and if the proposed plat is substantially similar in design, layout and concept to the original plat, as determined by the City Manager or designee, and, if all lots, tracts, streets and easements are in conformity with this Code, then only a final plat complying with the requirements of this Code is required. The original plat or portion of a plat of the parcel to be replatted must be vacated and abandoned in accordance with and in the manner prescribed by law as set forth in Section 177.101 F.S., as amended.

Section 15.14 General Stipulations and Conditions.

The following provisions shall apply:

- A. No subdivision shall be made, platted or recorded, nor shall any site development permit or building permit be issued unless such subdivision meets all the requirements and provisions of this Code.
- B. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a final plat of such subdivision has been approved by the City Council, in accordance with the provisions of this Code, and recorded with the Clerk of the Circuit Court.
- C. The subdivision of any lot, tract and/or parcel by the use of "metes and bounds" description and/or other similar means for the purpose of sale, transfer or lease with the intent of evading this Code shall be considered a violation of this Code and shall be considered to be void and invalid by the City of Fellsmere.
- D. No site development permit or building permit shall be issued for the construction of any building or structure located on a lot, tract, parcel or plat subdivided, sold, leased and/or otherwise transferred or identified in violation of the provisions of this Code.

Section 15.15 Conflict with Public or Private Provisions.

- A. Public Provisions. This Code is not intended to interfere with, abrogate, or annul any other City rule or regulation, statute or other provision of law. Where any provision of this Code imposes restrictions different from those imposed by any other provision of this Code or any other City rule, regulations or other provision of law, whichever provisions are more restrictive or which impose higher standards shall control.

- B. Private Provisions. This Code is not intended to abrogate any easement, covenant or any other private agreement, or restriction; provided, that, where the provisions of this Code are in conflict with or are more restrictive or impose higher standards or regulations than such easement, covenant or private agreement or restriction, the requirements of this Code shall govern.