

CHAPTER 166 SUBDIVISIONS**166.01 PURPOSE**

(A) It shall be the purpose of this Chapter to do the following:

- (1) Establish uniform standards for the design of subdivisions and the preparation of plats;
- (2) Bring together in coordinated and convenient form all official requirements pertaining to the processing of plats;
- (3) Facilitate coordination of plats with the zoning, highway and public improvement plans of the Town; and
- (4) Assure consistency and equitable treatment for engineers, surveyors and subdividers in the review of their plats.

166.02 DEFINITIONS (See also Chapter 169.)

Alley. A public right-of-way, not over thirty (30) feet in width, providing a secondary means of access and service to abutting property.

Cul-de-sac. A minor street intersecting another street at one end and terminated at the other end by a vehicular turnaround.

Developer. A person or his agent who undertakes the activities covered by this Chapter, particularly the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision's plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider," even though the persons involved in successive stages of the project may vary.

Easement. A right-of-way granted for limited use of private property.

Final Plat. A complete and exact subdivision plan proposed for official recording as required by statute to identify and define property rights and dedication.

Lot Depth. The mean horizontal distance between the front and rear lines of a lot.

Lot Width. The horizontal distance between the side lines of a lot at the setback line, or at the front lot line where no front setback is required.

Official Map. A map established by the Town Council showing the streets, highways and parks laid out, adopted and established by law and any amendments thereto adopted by the Town Council, or additions thereto resulting from the approval of subdivision plats by the Town Council and the subsequent filing of the approved plats.

Permanent Control Points (P.C.P.). Permanent control points, each of which shall consist of a nail or a disc (disc stamped with surveyor's registration number preferred), iron pipe, brass marker or iron pin.

Permanent Reference Monument (P.R.M.). A permanent reference monument which consists of a metal rod a minimum of twenty-four (24) inches long or a one and one half (1 1/2) inch minimum diameter metal pipe a minimum of twenty (20) inches long, either of which shall be encased in a solid block of concrete or set in natural bedrock a minimum of six (6) inches in diameter and extending a minimum of eighteen (18) inches below the top of the monument, or a concrete monument four (4) inches by four (4) inches a minimum of twenty-four (24) inches long, with the point of reference marked thereon. A metal cap marker with a point of reference mark thereon shall bear the registration number of the surveyor certifying the plat of record, and the letters "P.R.M." shall be placed in the top of the monument.

Preliminary Plat. A tentative subdivision plan, in lesser detail than a final plat, showing approximately proposed street and lot layout as a basis for consideration prior to design plans, construction, improvements or preparation of a final plat.

Public Improvements. Any of the following: street pavement, with or without curbs and gutters; sidewalks; alley pavement; walkway pavement; water system mains; sanitary sewer system; storm drain system; street name signs; street trees; permanent reference monuments (P.R.M.); permanent control points (P.C.P.); street landscaping; or bicycle paths.

Right-of-Way. Land reserved or to be used for a street, alley, walkway, drainage facility or other public purpose.

Street. A public right-of-way or thoroughfare fifty (50) feet or more in width which normally affords the principal means of access to abutting property. This definition includes avenue, boulevard, parkway, court, highway, lane and roadway.

- (1) **Arterial Street.** A heavy traffic street of considerable continuity and used primarily as a traffic artery for interconnectivity among large areas. Width shall conform to the official map.
- (2) **Half or Partial Street.** A street, generally parallel and adjacent to the boundary line of a tract, having a lesser right-of-way width than required for a full width street of the type involved.
- (3) **Marginal Access Street.** A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.
- (4) **Collector Street.** A heavy traffic road collecting residential or local street traffic and connecting arterial streets.
- (5) **Private Street.** A privately owned access to abutting property platted, but not dedicated to the general public, with a minimum right-of-way width of fifty (50) feet built to Town specifications not accepted by, improved or maintained by the Town until the time as the Town may elect to accept the road as a public street.
- (6) **Local or Residential Street.** A street which is less than a secondary street and which is used primarily for access to abutting property.

Street Width. The shortest distance between the lines delineating the right-of-way of a street.

Subdivider. See "Developer".

Subdivision. The platting of real property into two (2) or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, including establishment of new streets and alleys, additions and re-subdivisions. When appropriate to the context, "subdivision" relates to the process of subdividing or to the land or area subdivided and filed for record with the Clerk of the Circuit Court of the County.

Watercourse. Includes channel, creek, ditch, drain, dry run, spring, stream and canal; but does not include a lake, pond or pool without outlet.

166.03 COMPLIANCE REQUIRED

No person shall subdivide or develop any tract of land which is located within the Town except by preparing a plat drawn in conformance with the provisions of this Chapter and the standard specifications on file in the office of the Town Clerk. Standard specifications shall be adopted and amended from time to time, if necessary, by resolution of the Town Council.

166.04 VIOLATIONS

The Planning, Zoning and Variance Board, or any aggrieved person, may have recourse to any remedies in law and equity as may be necessary to insure compliance with the provisions of this Chapter, including injunctive relief to enjoin and restrain any person violating the provisions of this Chapter and any rules and regulations adopted under this Chapter. The court shall, on proof of the violation of this Chapter, have the duty to forthwith issue any temporary and permanent injunctions as are necessary to prevent the violation of this Chapter.

166.05 PRELIMINARY PLAT PROCEDURES

(A) Submission.

- (1) **Building Official.** Preliminary plats shall be filed with the Town Building Official for review. The Town Building Official shall be the building inspector unless otherwise designated by the Mayor.
- (2) **Timing.** Before a preliminary plat shall be approved, an application for the approval shall be filed with the office of the Town Building Official. The site plan will be scheduled for the next Planning, Zoning and Variance Board meeting after the staff report referred to in (B)(3) below is completed, provided that there is time to agenda the application for consideration at that meeting.

(B) Processing.

- (1) **Copies.** A subdivider seeking approval of a subdivision plat shall transmit five (5) copies of the preliminary plat to the Town Building Official, indicating compliance with all county, state, and federal regulations.
- (2) **Staff Review.** The Town Building Official shall coordinate the staff review of the preliminary plat, including the Town Engineer's review for general engineering and drainage requirements, and shall check plats for conformance to the

existing zoning of the property subject to the preliminary plat.

- (3) **Staff Report to Board.** The Town Building Official shall assign correct street names to the preliminary plat and shall coordinate the recommendations of the several agencies mentioned above and report them to the Planning, Zoning and Variance Board with an analysis of the conformity of the preliminary plat with this Chapter and to the Comprehensive Plan.
- (4) **Board Review.** The Planning, Zoning and Variance Board shall meet, review and make recommendations as to compliance with this Chapter. At the meeting the developer may appear before the Board to discuss specific aspects of the plans being considered. Any recommended changes must be resubmitted to the Board.

(C) **Consideration by Council.**

- (1) **Board Report.** No preliminary plans shall be considered for action by the Council until they have been reviewed by and recommendations made by the Planning, Zoning and Variance Board. The Council will consider the Board's recommendations and then act for preliminary approval, postponement or disapproval. Disapproved plans may be revised and resubmitted to the Board.
- (2) **Review Criteria.** The Council, in studying the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the width, arrangement and location of streets, lot sizes and arrangement, as well as requirements for school sites, public building sites, parkways and highways. Adequate street connections will be required to ensure free access to, and circulation for, adjoining subdivisions and lands.
- (3) **Waivers.** In cases where the proposed subdivision plat is a re-subdivision of portions of an existing subdivision or a plat in connection with abandonment of a portion of existing public streets and property, on or nearby property which unduly affects the planning and development of the subject property, the Council shall have the right to vary the strict application of this Chapter in appropriate cases in a manner so as to carry out the spirit and purpose of this Chapter.
- (4) **Public Hearings.** At a scheduled meeting the Council shall receive reports on the preliminary plat to determine its conformance to this Chapter. The subdivider and any other persons shall have the right to be heard by the Council, either in person or by letter.
- (5) **Council Action.** The Council may approve the preliminary plat if found to be in conformance with this Chapter or may disapprove the plat when not found to be in conformance. Any modifications requested by the Council must be made to the preliminary plat before approval thereof. Approval of the preliminary plat shall constitute tentative Council approval of the subdivision as to the character and intensity of development, the general layout and the approximate dimensions of streets, lots and other proposed features.
- (6) **Effect of Approval.** The following limitations are placed on the preliminary plat approvals given by the Council:
 - (a) The approval of the Council shall have full force and effect for a period of twelve (12) months from the date of approval. An extension may be granted by the Board;
 - (b) If no final plat has been filed for the area covered by the preliminary plat before the approval period has elapsed, the approval shall be deemed revoked. If final plats are filed for only a portion of the preliminary plat, the approval on the remaining portions shall be deemed revoked unless an extension of time has been granted by the Council; and
 - (c) If a final plat is submitted on which changes have been made from the preliminary approval, the Town Building Official shall review the plat to determine the changes and their effect on the area of the plat and the applicable ordinances. The Town Building Official shall determine whether any changes are of so great a significance that they would be resubmitted to the Planning, Zoning and Variance Board. In any case of doubt, the plan should be resubmitted for approval by the Board.

(D) **Contents of Preliminary Plat Application.**

- (1) **Scale.** The preliminary plat shall be at a scale of not more than one hundred (100) feet to the inch. However, a scale of two hundred (200) feet to the inch may be used for large areas. In either case, the sheet size shall be twenty-four (24) by thirty-six (36) inches.
- (2) **Contents.** The preliminary plat shall show or be accompanied by the following information:

- (a) Proposed subdivision name or identifying title which shall not duplicate or closely approximate the name of any other subdivision in the County and Town;
 - (b) Location sketch within section;
 - (c) North arrow, scale and date;
 - (d) Name of the owner of the property and his authorized agent;
 - (e) Name of the registered engineer and surveyor responsible for the plat;
 - (f) Locations and names of adjacent subdivisions;
 - (g) Subdivision boundaries with angles and distances. Boundaries must be clearly marked with a heavy line;
 - (h) All existing watercourses, canals and bodies of water;
 - (i) All existing streets and alleys on or adjacent to the tract, including name and right-of-way width;
 - (j) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established, where known to the surveyor;
 - (k) Proposed water, sewer, electric and any other utility lines, including easements therefor;
 - (l) Location and widths of all proposed streets, including rights-of-way;
 - (m) Proposed lot lines with dimensions, recreation areas and parcels of land proposed or reserved for public use;
 - (n) Coastal construction control line and beach accessways if applicable, including environmentally sensitive roadway drainage plans;
 - (o) Stormwater Management Plan and Utilities: Storm drainage system improvements (see Section 167.09), including an On-Site Stormwater Management Plan compliant with applicable National Pollutant Discharge Elimination System (NPDES) and all other applicable rules and requirements of the Town and the St. Johns Water Management District. All supportive engineering calculations and drawings for projected volume of stormwater runoff, system design, detention and other relevant data shall be included; and
 - (p) Erosion and Sediment Control Plan: The plan shall incorporate erosion and sediment control measures in accordance with State Best Management Practices (BMP's). Also see Section 168.05(B).
- (3) **Traffic Impact Study.** Traffic generation impacts on State roads shall be provided; this shall be done in conjunction with the concurrency requirements of Section 168.02.

166.06 FINAL PLAT PROCEDURES

- (A) **General Requirements.** The final plat, in the form of a linen or dimensionally stable plastic film tracing, shall be prepared in accordance with F.S. Ch. 177 and all amendments thereto. The overall size shall be twenty-four (24) inches by thirty-six (36) inches with proper borders and drawn at a scale no smaller than one (1) inch to one hundred (100) feet.
- (B) **Detail Requirements.** The final plat shall show the following information:
- (1) Plat title with all lettering of the same size and type;
 - (2) Section, township and range;
 - (3) North arrow;
 - (4) Graphic scale;
 - (5) Description;
 - (6) Dedication of owner or, if a corporation, two (2) authorized officer's signatures and seal;
 - (7) Circuit Court Clerk;

- (8) Surveyor's certificate and seal;
 - (9) Mortgage, joiner and consent;
 - (10) The initial point in the description shall be tied to the nearest government corner or other recorded and well established corner;
 - (11) Location, width and names of all streets, alleys, rights-of-way and easements;
 - (12) Adjacent streets and plat names with plat book and page numbers;
 - (13) Lot and block numbers or designation, properly numbered;
 - (14) Permanent reference marker and location;
 - (15) Block corner radii;
 - (16) Lot dimensions to hundredths, except where riparian boundaries are involved, which may be plus or minus;
 - (17) Curvilinear lots shall show the radii arc distances and the central angle, or radii chord and chord bearing, or both. Radial lines will be so designated;
 - (18) Sufficient angles, bearings or dimensions to show the direction of all lines;
 - (19) The center line of all streets shall be shown with distances, angles, PC's, PT's, arc distance, central angles, tangents and radii;
 - (20) PCP's will be shown on the plat by an appropriate designation and will be placed along the centerline of rights-of-way, preferably at centerline intersections; PC's; PT's; and other applicable points as may be directed by the Town Council. POP's and PRM's are considered improvements and shall be included in the performance bond and approved by the Town Building Official;
 - (21) Seals as applicable;
 - (22) Notes or legend;
 - (23) Recreation areas;
 - (24) Limits of subdivision shall be clearly defined;
 - (25) Whenever lands are subdivided along the Atlantic Ocean, or the Indian River or its tributaries, lot dimensions shall be shown to the approximate mean high water line at date of survey and as defined in the shore and sea boundaries; and
 - (26) Certificate of approval by the Town Council, with seal.
- (C) **Submission.** The final plat shall be submitted to the Town Building Official for review. The final plat shall be accompanied by any other plans and data as may be required by the Town Building Official and/or Town Attorney, including the following where applicable:
- (1) Certificate of engineer or surveyor of record that all improvements are in accordance with the approved plans and specifications and that no outstanding indebtedness is due for the improvements;
 - (2) Performance bond for improvements;
 - (3) Road and grade plans;
 - (4) Certificate of title acceptable to the Town Attorney; and
 - (5) As-built plans of all improvements with certification as to location by engineer and developer.
- (D) **Verify Conformity with Preliminary Plat.** The Town Building Official shall check all final plats to verify conformity with the preliminary plat as approved by the Council. In case of doubt as to conformance with the Council's approval, the Town Building Official shall refer a copy of the final plat to the Planning, Zoning and Variance Board or Town Council as deemed appropriate by the Town Building Official for a report on conformity with the Council's action.

166.07 APPROVAL OF PLAT

No plat of any subdivision shall have any validity until it shall have been approved in the manner prescribed in this Chapter. In the event any unapproved plat is recorded, it shall be considered invalid. No sale of a subdivision lot shall be closed until the plat has been finally approved and officially recorded. The description of any lot by metes and bounds shall not exempt the transaction from the provisions of this Chapter. The Town Building Official shall not issue any permits for new buildings on a lot in any subdivision which has not been lawfully approved. The Town hereby defines its policy to be that the Town will withhold all public improvements of whatsoever nature, including the maintenance of streets, from all subdivisions which have not been accepted in the manner provided in this Chapter. No changes, erasures, modifications or revisions shall be made in any final plat after approval thereof, unless the plat is first resubmitted for approval. There shall be no reference to any possible reversion of any property in the dedication of a plat.

166.08 LANDS PLATTED ALONG BODIES OF WATER

- (A) **Oceanfront Property.** All lands platted along the Atlantic Ocean shall show the state coastal construction lines as they exist on the day the plat is approved by the Town Council, as recorded in the Indian River County Records, and references with monuments. They shall be referenced with PRM's set at intervals in order that all setbacks as required in zoning can be made by the lines, these lines being in conformance with applicable State statutes. The platted lands shall be referenced.
- (B) **Frontage on Indian River and Waters Thereof.** In every instance in which the property being platted borders on the Indian River or on any finger, bay or channel thereof, the elevation of the land as it exists, or the elevation of the land as it shall exist in its finished condition, shall be shown on the tentative plat. All elevations shall be from United States Coast and Geodetic Datum mean sea level of the waters opposite the lands proposed to be platted.
- (C) **Exceptions.** Areas developed to retain natural vegetation and residences or structures designed on approved, raised foundations may be an exception to the above requirements.
- (D) **Bulkhead Walls and Revetments.** All bulkhead walls and revetments shall be designed by a registered engineer or qualified contractor, with the plans being approved in writing by a registered engineer.

166.09 STREETS DESIGN STANDARDS

- (A) **Conformity to Comprehensive Plan.** The location, direction and width of all streets, roads and highways shall conform to the Comprehensive Plan of the Town. Specifically, the following right-of-way widths shall be provided:

Roadway Classification Required Right-of-Way

Arterial	135 feet
Collector	60-80 feet
Local	60 feet with swale; 50 feet with curb and gutter

- (B) **Relation to Existing Street System.** The arrangement of streets in new subdivisions shall make provisions for the proper extension of existing dedicated streets in existing subdivisions where the extension is appropriate.
- (C) **Provision for Platting Adjoining Unplatted Areas.** The arrangement of streets in new subdivisions shall be designed so as to facilitate and coordinate with the desirable future platting of adjoining unplatted property of a similar character, and to provide for local circulation and convenient access to neighborhood facilities.
- (D) **Protection From Through Traffic.**
 - (1) **Residential Street Design.** Residential streets shall be laid out and arranged so as to discourage their use by through traffic. Residential streets shall not connect with industrial areas unless unavoidable.
 - (2) **Marginal Accessway; Reverse Frontage Screening Adjacent to Arterials.** If a residential subdivision or residential property abuts an existing or proposed arterial street, the Planning, Zoning and Variance Board may require marginal access streets, reverse frontage with screen planting contained in a non-access strip along the rear property line, deep lots with or without rear service alleys or any other treatment as may be necessary for adequate residential property protection and to minimize conflict of through and local traffic.

- (E) **Subdivisions Adjacent to Arterial Rights-of-Way.** Where a subdivision borders on or contains a right-of-way for an arterial road, drainage canal or waterway, the Board may require a street approximately parallel to and on each side of the right-of-way

at a distance suitable for the appropriate use of the intervening land. Distances shall also be determined with due regard for the requirements of approach grades for future grade separation. Where new or existing crossings are required, the developer shall be required to pay for them.

- (F) **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except where their control is placed with the Town Council under conditions approved by the Council.
- (G) **Private Streets.** Private streets as a principal means of access to individually owned lots will be permitted provided that the Council finds that the private streets will not be required as public streets in the overall Town plan. There shall be no maintenance or improvements of private streets by the Town. However, these streets shall be constructed in accordance with minimum specifications for public streets and shall be approved by the Town Council. Private streets shall also be considered utility easements and the Town, by formal Board action, may accept these streets or easements, or any part thereof. Notations to this effect shall be so stated on the face of the final plat.
- (H) **Half or Partial Streets.** New half or partial streets shall not be permitted, except where essential to reasonable subdivision of a tract in conformance with this Chapter or where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within the tract.
- (I) **Re-Subdivision.** If lots resulting from the original subdivision are large enough to permit or to require re-subdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit future subdivision shall be provided.
- (J) **Dead-End Streets.** Dead-end streets shall be prohibited except where appropriate as stubs to permit future street extension into adjoining unsubdivided tracts, or when designed as cul-de-sacs.
- (K) **Setback.** All new plats of land abutting Highway A1A shall be required to provide a sixty (60) foot building setback from the right-of-way for Highway A1A subject to the additional provisions of Section 161.08.
- (L) **Bicycle and Pedestrian Way Impact Fee.** The amount of two hundred (200) dollars per residential unit shall be paid at the time of any preliminary plat or site plan approval.

166.10 BLOCK DESIGN STANDARDS

- (A) **Block Layout.** The length, width and shape of blocks shall be determined with regard to the following:
 - (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 and safe access, circulation and control of pedestrian and vehicular traffic; and
 - (4) Limitations and opportunities of topographic features.
- (B) **Block Length Restricted.** Block lengths shall not exceed one thousand, three hundred twenty (1,320) feet. If any block exceeds six hundred sixty (660) feet, cross drainage shall be provided within the block.
- (C) **Accessways.** Where found necessary, easements not less than ten (10) feet in width may be required in blocks over one thousand (1,000) feet in length to provide safe and convenient access to schools, playgrounds, shopping centers, transportation and other community facilities.

166.11 LOT DESIGN STANDARDS

- (A) **LDC Compliance.** Lot dimensions and areas shall not be less than specified by applicable zoning provisions in effect.
- (B) **Alignment of Side Lot Line at Street Frontage.** Side lot lines shall be substantially at right angles or radial to street lines.
- (C) **Double Frontage and Reverse Frontage Lots.** Double frontage and reverse frontage lots for residential use shall be avoided except where essential to provide separation of residential development from arterial streets to overcome specific handicaps of topography or orientation. A planting screen strip of at least ten (10) feet, and across which there shall be no right of vehicular movement or use, shall be provided along the property line of lots abutting the traffic way or other disadvantageous situation.
- (D) **Street Access; Street Frontage.** Every lot shall abut on and have permanent access to a public or approved private street. Residential lots shall have a street frontage of not less than thirty (30) feet. Lot arrangement and design shall be properly related

to the character of the surrounding development.

166.12 CANALS AND WATERWAYS

Public canals and waterways should be avoided except when approved and deemed by the Planning, Zoning and Variance Board to be unavoidable or necessary, wherein literal enforcement of this Chapter would deprive the developer of the reasonable use of his land. In the event of approval, the Town will not accept the responsibility of maintenance for canals, shore protection or waterways.

166.13 PRIVATE RECREATION FACILITIES

In addition to meeting Section 168.02 concurrency requirements for public recreation facilities, any subdivision with over one hundred (100) dwellings shall (1) provide appropriate private recreational facilities or (2) dedicate such facilities to the Town (if acceptable to the Town Council). See Chapter 95 of the Town Ordinances.

166.14 IMPROVEMENTS. By the presentation of the final plat for approval and recording, the subdivider thereby agrees to maintain in good condition all improvements required to be placed on the land pursuant to this Chapter for a period of one (1) year from the date the plat is recorded or the performance bond is released, whichever is later. To maintain in good condition means that at the end of the period mentioned, the improvements shall be in a condition so that they meet the requirements of this Chapter as it existed at the time of final approval of the plat.