

ORDINANCE 2013-09

AN ORDINANCE AMENDING CHAPTER 130, ARTICLE I REGARDING DIVIDING PLATTING LANDS TO PROVIDE FOR DIVIDING COMMERCIAL LOTS; LIMITING DIVISION OF LOTS; PROVIDING REQUIREMENTS FOR DIVIDING LOTS; PROVIDING PROCEDURE FOR DIVIDING LOTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has previously provided for regulation the subdivision of land into three (3) or more parcels or where access to the property is by means of right-of-way or easement serving more than one parcel; and

WHEREAS, the City Commission has determined that it is in the best interest of the Citizens of the City of Belleview and of the public to amend Chapter 130, Article I regarding platting lands to provide for dividing certain commercial lots, without abrogating and replatting same; and

WHEREAS, the City Commission has found that it should provide requirements for dividing lots in subdivisions of nonresidential property; and

WHEREAS, the City Commission has determined that it is in the public interest to amend Chapter 130, Article I, as provided herein-below.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleview, Florida, that Chapter 130, Article I of the City of Belleview Code of Ordinances, regarding platting is hereby amended to read as follows, to wit:

“Chapter 130 – SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 130-1. - General specifications.

Sec. 130-2. - Platting required.

Sec. 130-3. – Dividing Platted Lots

Sec. 130-4. – Abrogation of recorded plats and replatting.

Sec. 130-5. - Change of project surveyor.

Sec. 130-6. - Change in project engineer.

Sec. 130-7. - Change of subdivision name.

Sec. 130-8. - Subdivision classification.

Sec. 130-9. - Subdivision improvements development.

Sec. 130-10. - Required subdivision improvements; roads.

Sec. 130-11. - Storm water collection system.

Sec. 130-12. - Drainage retention areas.

Sec. 130-13. - Signs.

Sec. 130-14. - Grassing.

Sec. 130-15. - Sewage collection system.

Sec. 130-16. - Streetlights.

Sec. 130-17. - Certification of satisfactory completion.

Sec. 130-18. - Maintenance of improvements.

Secs. 130-19—130-50. - Reserved.

Sec. 130-1. - General specifications.

All construction and quality control shall be in strict conformance with the current applicable requirements with the City of Belleview Code of Ordinances and the City of Belleview Design and Specifications Manual. All quality control test results must be submitted with the engineer's letter of certification. The letter of certification shall be accompanied by one copy of all test results properly signed and sealed.

Sec. 130-2. - Platting required.

Unless a subdivision plat has been recorded in the public records of Marion County, Florida in accordance with the requirements of this Chapter and Section 70-803 Florida Statutes (or applicable City of Belleview or Florida law), no building permit shall be issued if the property on which the permit is requested is:

- (1) The result of the division of land into three or more parcels, any one of which is less than three acres; or
- (2) Access to the property is by means of right-of-way or easement serving more than one parcel provided after July 15, 1970, except such access as may be established by public authority.

Sec. 130-3. – Dividing platted lots.

- (1) Residential lots, established by a final plat recorded in the public records of Marion County, Florida, shall not be divided except through abrogation or replatting, as provided in this chapter.
- (2) Commercial lots, established by a final plat recorded in the public records of Marion County, Florida, may be divided into only two (2) parcels, upon approval by the City Commission.
- (3) No platted lot may be divided into more than two (2) parcels, regardless of size.
- (4) No building permit shall be issued for portions of lots created by dividing a platted lot, unless and until approval by the City Commission of such lot division.
- (5) Requests for City Commission approval of proposed lot division shall be submitted upon the form provided for such requests, together with a filing fee of \$100.00 and the following:

- (a) Proof that the proposed change has been advertised in a newspaper of general circulation for two weeks, in accordance with F.S. § 177.101(3), (4); and
 - (b) Certificates showing that all state and county taxes have been paid; and
 - (c) An Opinion of title confirming that the applicant(s) are the owners of the lot sought to be divided; and
 - (d) A Certificate from the project engineer of the subdivision that the dividing of the lot will not increase the impervious areas of the subject property over that which was included for the parcel to be divided, in design and construction of the storm water drainage collection system.
- (6) Approval by the City Commission shall be at a public hearing. In determining whether to grant the requested lot division, the City Commission shall consider the foregoing matters together with the following:
- (a) Recommendation of the City's Development Services Director and the City Public Works Director; and
 - (b) Whether both lots created through the division of the existing subdivision lot will have access as provided in Florida Statute and this City Code; and
 - (c) Although the division of the lot, need not result in both parcels being equal in size, both parcels created shall comply with all requirements of this chapter including, but not limited to, regulations regarding the following: lot size, lot coverage, set-backs, grassing, sewage collection system, access and streetlights.

Sec. 130-4. Abrogation of recorded plats and replatting.

(1) *Abrogation.* Abrogation of recorded plats in their entirety or any of their parts, including rights-of-way, shall be considered, upon application in writing to the City Commission. The application packet shall include, but is not limited to, the following: the resolution for abrogation, opinion of title, tax receipts and letters of no objection from affected utilities companies. Upon conditional approval of the City Commission and their assignment of a hearing date, the applicant shall cause the matter to be publicly advertised according to F.S. § 177.101(3), (4), and a public hearing shall be held at such time and place as the City Commission may decide.

(2) *Replatting.* Replatting of recorded plats in their entirety or any of their parts, including rights-of-way, shall be considered upon application in writing to the City Commission. The application packet shall include, but is not limited to, the following: the resolution for replatting, opinion of title, tax and letters of no objection from affected utilities companies. Upon conditional approval of the City Commission and their assignment of a hearing date, the applicant shall cause the matter to be publicly advertised according to F.S. § 177.101(3), (4), and a public hearing shall be held at such time and place as the City Commission may decide.

(a) Replatting of an existing subdivision, which results in an increase in the number of lots or which will otherwise increase the impervious areas of the subject property must provide for such increases in the stormwater collection system and drainage retention areas as are necessary to meet the requirements in section 130-11. If there are no existing stormwater collection and stormwater retention areas, then adequate stormwater collection system and drainage retention areas shall be provided for the net increase in lots or any increases in the impervious areas of the subject property.

(b) All lots created through replatting of an existing subdivision, must have access as provided in Section 130-9.

(c) Replatted subdivisions shall comply with the requirements of this chapter including, but not limited to, regulations regarding size, grassing, sewage collection system and streetlights.

(3) *Compliance.* No person or entity shall divide any existing lot within a platted subdivision transfer a portion of any lot or lots in existing subdivisions, or otherwise move or amend lot lines in an existing subdivision, without first complying with the lot dividing, abrogation, or replatting provisions set forth in this chapter.

(4) *Violations.* No building permit or certificate of occupancy will be issued regarding improvements placed upon any lots or portion of lots altered or conveyed contrary to the provisions of this Section. Further, after the effective date of Ordinance No. 99-13 (December 7, 1999), upon written notice of such violation, the city may terminate water and sewer service to any property altered or conveyed, contrary to the provisions of this section.

(5) *Enforcement.* Enforcement of this section shall be pursuant to article V, Chapter 2 of subpart A of this Code.

Sec. 130-6. - Change of project surveyor.

Change of project surveyor at any time after the submission of the preliminary plat shall require written notification to the city engineer and/or the public works director from the developer accompanied by written acknowledgement from the newly designated project surveyor.

Sec. 130-7. - Change in project engineer.

Change of project engineer at any time after the submission of the improvement plan shall require written notification to the city engineer and/or the public works director from the developer accompanied by written acknowledgement from the newly designated project engineer.

Sec. 130-8. - Change of subdivision name.

Change of subdivision name at any time after the submission of the preliminary plat and prior to the recording of the final plat in the public records will be considered only upon written notice from the developer or project surveyor to the city engineer and/or the public works director. The notification must certify that all drawings and exhibits previously submitted

bearing the original subdivision name are applicable to and binding under the new subdivision name.

Sec. 130-9. - Subdivision classification.

Subdivision classification is established for identifying subdivisions according to lot size, right-of-way requirements, type of improvements required and lot use as follows:

- (1) Class A subdivisions are those in which the lots are less than one acre in area, all lots are served by a central water and sewer service, curb and gutter roadways with underground power.
- (2) Class B subdivisions are those in which the lots are less than one acre in area, all lots are served by utilities as stated for class A subdivisions except overhead power.
- (3) Class C subdivisions are those in which the lots are less than one acre in area, all lots are served by a central water and sewer service, and drainage is provided by swaled ditchlines on each side of the roadway with overhead power.

Sec. 130-10. - Subdivision improvements development.

- (1) *Generally.* No plat or amended plat of a subdivision shall be allowed to be recorded in the public records of the county until all the required improvements have been completed, all test results and letter of certification from the project engineer have been received, and the improvements have been accepted by the City Commission, except as provided in subsection (b) of this section.
- (2) *Approval; recording.* Upon approval by the City Commission, posting a letter of credit from a bank sufficient to guarantee completion of all the required subdivision improvements or providing a performance bond sufficient to guarantee construction of such improvements, and execution of an indemnification agreement in a form approved by the City Commission, the plat of a subdivision may be recorded. No more than 25 percent of the lots may be issued building permits pursuant to this subsection.
- (3) *Building permits.* Building permits for buildings in subdivisions under construction may be issued after the plat is recorded and all required improvements are completed and approved by the city or upon providing a performance bond sufficient to guarantee construction of such improvements, and execution of an indemnification agreement in a form approved by the city. No certificates of occupancy (CO) may be issued until all improvements have been constructed and approved and the plat recorded.

Sec. 130-11. - Required subdivision improvements; roads.

Roads shall be constructed within rights-of-way dedicated by the plat and within unimproved public rights-of-way according to the classification of the subdivision as follows:

- (1) Class A subdivisions shall have paved roadways with curb and gutter within a 50-foot dedicated right-of-way.

(2) Class B subdivisions shall have paved roadways with curb and gutter within a 60-foot dedicated right-of-way.

(3) Class C subdivisions shall have paved roadways with five-foot shoulders on each side of pavement and graded swales for drainage within a 66-foot dedicated right-of-way.

Sec. 130-12. - Stormwater collection system.

The stormwater collection system shall be designed for a ten-year/24-hour storm (6.9-inch or greater) considering post-development condition only. The stormwater inlets shall conform to current state department of transportation details, and all culvert pipes shall be bituminous-coated corrugated pipe or reinforced concrete pipe. Calculations shall be provided to show proper pipe sizing with an 18-inch diameter being the minimum size allowed.

Sec. 130-13. - Drainage retention areas.

(1) Drainage retention areas shall be designed to store a ten-year/24-hour rainfall (6.9-inch minimum) using post development condition and using the most current criteria of the Soil Conservation Services Technical Release no. 55 (SCS TR55). The dedicated water retention basis shall provide for a ten-foot berm around the inside of the dedicated area and be accessible by means of a 20-foot dedicated right-of-way. All drainage retention basins shall have side slopes not greater than three horizontal to one vertical, the slopes entirely sodded and the entire perimeter fenced with a six-foot chainlink fence with an 18-foot access gate.

(2) Prior to recording the record plat, copies of all permits or letters of exemptions from the St. Johns River Water Management District must be furnished to the City Clerk.

Sec. 130-14. - Signs.

Street signs at every intersection are required. The street names shall conform to the Marion County Master Plan Street Quadrant System, adopted September 4, 1973. Traffic control signs shall be installed as shown on the improvement plan.

Sec. 130-15. - Grassing.

Grassing (sod) shall be required in areas of right-of-way not paved or stabilized; storm drainage swales; berms of drainage retention areas; and, all disturbed areas due to construction. At the direction of the public works director, seeding may be allowed.

Sec. 130-16. - Sewage collection system.

A sewage collection system, meeting the Belleview Design and Specification Manual standards shall be provided by the extension of the city's system. The project engineer shall be responsible for the complete design of the system expansion and all required applications to the state for approval. No work shall be performed until the state has approved the plans. The construction shall be the total responsibility of the developer. Prior to acceptance and use of the system, the project engineer shall obtain clearance from the state and the city. The public works director and city engineer shall make an inspection of the system and be assured of the location of all service laterals and a detailed certified as-built plan of the constructed facilities has been received.

Sec. 130-17. - Streetlights.

The developer shall be responsible for the coordination and planning with the power utility for the installation of 4,000 lumen mercury vapor streetlights. The utility shall determine the number and spacing of the lights and prepare a plan for review and approval by the city. The compensation, for all the streetlight installation (in compliance with the approved plan) shall be the responsibility of the developer.

Sec. 130-18. - Certification of satisfactory completion.

When all required subdivision improvements have been constructed, the project engineer shall submit a letter of certification (Form F-3) stating that all improvements have been constructed in accordance with the approved improvement plan and that all test results have been reviewed as to interval, width and depth and the improvements meet the regulations of the code of subdivision regulations of the city. The letter of certification shall be accompanied by one copy of all test results properly signed and sealed.

Sec. 130-18. - Maintenance of improvements.

No later than after completion of the improvements and prior to acceptance of same by the City, the developer and the City Commission shall enter into a developer's agreement whereby the developer shall be totally responsible for the maintenance of all constructed improvements for a period of one year from the date of the agreement or such other period of time as the city may require (such as until 50% occupancy). After the developer's maintenance period, the subdivision improvements will be inspected by the public works director and/or the city engineer, and any corrections or repairs shall be noted (if applicable). After correction, the city will assume the perpetual maintenance of all improvements.

(130-19—50 reserved)

BE IT FURTHER ORDAINED by the City Commission of the City of Belleview, Florida that Sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

This Ordinance shall become effective immediately upon adoption.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon **First Reading** by a 3 – 0 vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on the 18th day of June, 2013. Said ordinance was duly read, passed, and adopted upon **Final Reading** by a 4 – 0 vote of the City Commission of the City of Belleview, Florida at a Public Hearing held on the 16th day of July, 2013.

Attest:



Christine K. Dobkowski
CHRISTINE K. DOBKOWSKI
Mayor/Commissioner


SANDI McKAMEY, MMC, CPM
City Clerk/Administrator

Approved As To Form And Legality:


FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that foregoing Ordinance was advertised for a Public Hearing in the July 4, 2013 edition of the *Voice of South Marion* newspaper in accordance with Florida Statutes.


Margaret DeGennaro, MMC, CPS
Deputy City Clerk