

## **Chapter 20A SUBDIVISIONS\***

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\*Editor's note--Ord. No. 678-82, <sec> 1, adopted June 2, 1982, has been codified as superseding former Ch. 20A, which pertained to similar subject matter and was derived from Ord. No. 315, adopted July 1, 1969; Ord. No. 400, <sec> 1, adopted June 5, 1973; and Ord. No. 582-79, <sec> 1, adopted Dec. 19, 1979.

State law reference(s)--Platting procedure, F.S. <sec> 177.011 et seq.

Cross reference(s)--Zoning, Chapter 26.

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### **ARTICLE I. IN GENERAL**

#### **Sec. 20A- 1. Title.**

This chapter shall be known as the City of Punta Gorda Subdivision Regulations.

(Ord. No. 678-82, <sec> 1, 6-2-82)

#### **Sec. 20A- 2. Authority.**

The City Council of the City of Punta Gorda, Florida, hereby adopts the following articles, sections and appendixes. The exhibits set forth in the appendix attached to these regulations are made a part thereof and shall be used where required by these regulations.

(Ord. No. 678-82, <sec> 1, 6-2-82)

#### **Sec. 20A- 3. Jurisdiction.**

The regulations established herein shall apply to all incorporated areas of the City of Punta Gorda.

(Ord. No. 678-82, <sec> 1, 6-2-82)

#### **Sec. 20A- 4. Purpose.**

These regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety and general welfare of the City of Punta Gorda.
- (b) To guide future growth and development in accordance with the City of Punta Gorda Comprehensive Plan.
- (c) To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the City.
- (d) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (e) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage disposal, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (f) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (g) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to ensure proper legal description, identification, monumenting and recording of subdivided land.
- (h) To ensure that public facilities are properly planned and made available and will have a sufficient capacity to serve the proposed subdivision.
- (i) To prevent the pollution of air, streams, and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (j) To preserve the natural beauty and ecology of the City and to ensure appropriate development with regard to these natural features.
- (k) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the comprehensive plan and zoning ordinance of the City.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 5. Applicability.**

These regulations shall apply whenever an owner of land or his representative wishes to subdivide land into three (3) or more lots or parcels, except as follows:

- (a) Parcels of record of five (5) acres or less, subdivided one time, without platting, into two (2) lots, provided that both lots conform, without the necessity of variance, to all requirements of the appropriate zoning category, and provided that both parcels have frontage on a public street.
- (b) Parcels of record greater than five (5) acres may also be subdivided one time, without platting, into more than two (2) or more parcels; provided that no more than two (2) of the newly created parcels are less than five (5) acres and that any lots which are less than five (5) acres conform, without the necessity of variance, to all requirements of the appropriate zoning district and have frontage on a public street.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 6. Interpretation, application, conflict and separability.**

- (a) Interpretation, application. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (b) Conflict with public and private provisions.
  - (1) Public provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - (2) Private provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of easements, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the City Council in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations

thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

- (c) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City Council hereby declare that it would have enacted the remainder of these regulations even without any such part, provisions, or applications.

(Ord. No. 678-82, <sec> 1, 6-2-82)

#### **Sec. 20A- 7. Saving provision.**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right to the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in this section.

(Ord. No. 678-82, <sec> 1, 6-2-82)

#### **Sec. 20A- 8. Amendments.**

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by these subdivision regulations public hearings on all proposed amendments shall be held by the City Council in the manner prescribed by law.

(Ord. No. 678-82, <sec> 1, 6-2-82)

#### **Sec. 20A- 9. Conditions.**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the City. The developer has the duty of compliance with reasonable conditions laid down by the City Council for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the City and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

(Ord. No. 678-82, <sec> 1, 6-2-82)

### **Sec. 20A- 10. Resubdivision of land.**

- (a) Procedure for plats of record. For any change in a plat of record of an approved or recorded subdivision, if such change affects any street layout shown on such plat, or area reserved thereon for public use, or any lot line, or if it affects any plat legally recorded prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the City Council by the same procedure, rules and regulations as for a subdivision.
- (b) Procedure for subdivisions where future resubdivision is indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the City Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

(Ord. No. 678-82, <sec> 1, 6-2-82)

### **Sec. 20A- 11. Vacation of plats.**

Whenever a developer wishes to apply for a vacation or an annulment of a plat, or a part thereof, it shall be done in the following manner: The person making the application shall first apply to the planning commission for a recommendation to the City Council. After a hearing the City Council shall pass a resolution showing that it has vacated such plat or resolution. The plat shall then be processed in a manner as provided for under Chapter 177.01 of the Florida Statutes. Before filing to the County Commission for the vacation or annulment, however, the plat must first receive a certified copy of resolution from the City Council. The City Council shall first receive recommendation from the planning commission.

(Ord. No. 678-82, <sec> 1, 6-2-82)

### **Sec. 20A- 12. Variances.**

- (a) General. Where the City Council, with recommendations by the planning commission and the City Engineer, finds that hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council shall not approve variances unless it shall make findings based upon the evidence presented to it in such specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other properties which are located nearby.
  - (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
  - (3) Because of the particular physical surroundings, shape or natural conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
  - (4) The variances will not in any manner vary the provisions of the comprehensive plan, zoning ordinance, or official zoning atlas.
- (b) Conditions. In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirement of these regulations.
- (c) Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the City Council. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(Ord. No. 678-82, <sec> 1, 6-2-82)

### **Sec. 20A- 13. Enforcement, violations and penalties.**

- (a) Generally.
- (1) It shall be the duty of the City Engineer or designated representative of the City to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.
  - (2) 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 the plat of such subdivision has been approved by the City Council, in accordance with the provisions of these regulations, and filed for record with the Clerk of the Circuit Court.
  - (3) No building permits shall be issued for construction, excavation, cut or fill on any lot in any new subdivision until approval is granted for construction plans by the City Council.
  - (4) No public utility services shall be provided for any lot or building in a new subdivision until final plat approval is granted by the City Council.

- (5) No street right-of-way, or land for maintenance for a new subdivision shall be accepted by the City Council until recommended by the City Engineer and approved by said Council.
- (6) No electrical permits, building permits, or such other permits or license as may be required by the City of Punta Gorda, Florida, for any construction, shall be issued for any building or for any lot in any new subdivision until final approval is granted by the City Council. Provided, however, that building permits, utility services, electrical permits, excavation permits, and such other permits or licenses as may be required by the City of Punta Gorda, Florida, for any construction, may be granted when the following two (2) criteria apply:
  - a. Easements for private streets providing access to all lots or parcels are provided.
  - b. It is shown to the satisfaction of the Director of Building and Zoning that adequate provision has been made for the maintenance of private streets.
- (b) Violations and penalties. Any person, firm or corporation who shall sell any lot; or layout, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or drainage structure without having first complied with the provisions of these regulations; or who fails to comply with or violates any of these regulations shall be guilty of a misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500.00), or imprisonment for a period not exceeding sixty (60) days or both, such fine and imprisonment. Each day that the violation continues shall constitute a separate violation.
- (c) Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Secs. 20A- 14- - 20A- 20. Reserved.**

## **ARTICLE II. PROCEDURE FOR SECURING SUBDIVISION APPROVALS**

### **Sec. 20A- 21. Intent.**

The intent of these regulations is to establish an orderly four-step process for the approval of all subdivision plats in the City of Punta Gorda. This process is intended to permit full and adequate review by the City in order to ensure and protect the public interest. Whenever any subdivision of land is proposed, before any contract for sale of any part thereof, and before any permit for the erection of a structure therein shall be granted, the

subdividing owner, or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with the following procedure except that the subdivision of land into six (6) or fewer lots which does not involve the platting, construction, or opening of new streets, sewer or water facilities shall be required to perform only step one, preapplication review, and step four, final plat, in the approval procedure. The subdivision review committee may waive certain steps upon showing of good cause.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 22. Step one, preapplication review.**

- (a) Sketch development plan. Before filing an application for conditional approval of a subdivision preliminary plat, the subdivider may submit a sketch development plan, as specified in section 20A-31 herein, to the Director of Building and Zoning.
- (b) Preapplication review and conference. The subdivision review committee will review informally the sketch development plan, confer with the subdivider and make appropriate recommendations. The committee shall also advise the subdivider, where appropriate, to discuss the proposed subdivision with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. Review by the planning commission or City Council is not required at the preapplication step unless required by the applicant or recommended by the committee, if a change in zoning is required.
- (c) Change in zoning. The subdivider may elect to submit a sketch development plan of a subdivision for informal review concurrently with an application for a change of zoning for the same land. The planning commission will consider the sketch development plan and the comprehensive plan in acting on the request for change of zoning.
- (d) Procedure and requirements.
  - (1) Request for a preapplication review shall be made on forms available at the building and zoning office. The application form shall be submitted in duplicate along with as many copies of the sketch development plan, as may be required.
  - (2) Request for a preapplication review shall be accompanied by a fee as set by the City Council in its most recent fee schedule.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 23. Step two, preliminary plat approval.**

- (a) Purpose. The purpose of the preliminary plat is to permit complete and accurate presentation of technical data and preliminary engineering drawings in such a manner as to allow



complete review and evaluation of the proposed development and its impact upon both the site and its surroundings.

- (b) **Submission.** Following the preapplication review the subdivider shall submit to the City building and zoning department a preliminary plat as specified in section 20A-32 herein, incorporating such changes and considerations as may have been pointed out in the preapplication review.
- (c) **Copies.** Applications for approval of the preliminary plat shall be made on forms available at the City building and zoning department. The application form shall be submitted in duplicate with seven (7) copies of the preliminary plat.
- (d) **Fee.** Application for approval of the preliminary plat shall be accompanied by a fee as set by the City Council in their most recent schedule.
- (e) **Deadline.** All submittals must be made at least twenty (20) working days prior to the next regularly scheduled meeting of the planning commission.
- (f) **Procedure.** Each preliminary plat shall be subject to a standard review process as follows:
  - (1) The City building and zoning department receives all submittals, ensures that they are complete and distributes copies to appropriate members of the subdivision review committee and agencies.
  - (2) The subdivision review committee will review the proposal, meet and forward their comments and recommendations to the planning commission within ten (10) working days of the next regularly scheduled commission meeting.
  - (3) The planning commission will review the proposal, comments and recommendations of the subdivision review committee, and will forward its recommendation for approval, approval with conditions or disapproval to the City Council no less than twenty (20) working days prior to the next regularly scheduled meeting of the Council.
  - (4) The City Council will review the proposal along with the comments and recommendations of the subdivision review committee and planning commission and will approve, approve with conditions, or disapprove the preliminary plat.
  - (5) Approval and approval with conditions means the subdivider may proceed with the next step of the procedure without delay. The building and zoning department will issue a land development permit on the basis of this action. Approval with conditions means that the submission for approval of the construction plans and/or the final plan shall meet the conditions. Disapproval means that the subdivider must revise and totally resubmit the preliminary plat with fee.

- (6) In the event the subdivider should wish to change his submission during this processing, he may do so upon written notice to the Director of the Building and Zoning Department using forms provided for this purpose. Processing of the application will then halt and the director will determine at what point the process of review will be reinitiated when the changed preliminary plat is resubmitted. The intent of this procedure is to allow and to encourage subdividers to respond as quickly as possible to review comments and, at the same time, to allow the City staff and officials ample time for reconsideration of the changed proposal.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 24. Step three, construction plans approval.**

- (a) Purpose. The purpose of the construction plans is to permit complete and accurate presentation of final working drawings and specifications for the subdivider improvements in such a manner as to allow complete technical review for compliance with City of Punta Gorda codes and standards.
- (b) Submission. Following the preliminary plat approval and issuance of the land development permit, the subdivider shall submit to the City Engineer construction plans as specified in section 20A-33 herein, incorporating such changes and considerations which were conditions of approval of the preliminary plat.
- (c) Copies. Applications for approval of construction plans shall be submitted in two (2) copies.
- (d) Fee. Application for approval of the construction plans shall be accompanied by a fee as set by City Council in their most recent schedule.
- (e) Deadline. Construction plans may be submitted at any time after the approval of the preliminary plat.
- (f) Procedure.
  - (1) The City Engineer will review the construction plans and within fifteen (15) working days after their receipt will notify the subdivider of his approval, conditional approval, or disapproval.
  - (2) Approval means the subdivider is authorized to proceed with the construction of the physical improvements in the subdivision after securing required construction permits and permits from other agencies. The subdivider is also authorized by this approval to proceed with an application for final plat.
  - (3) Conditional approval means the subdivider is now authorized to proceed as outlined in the preceding paragraph, but only after he has submitted two (2) copies

of revised construction plans with changes as required by the City Engineer and after he has received a letter of final approval from the City Engineer.

- (4) Disapproval means that the subdivider must revise and totally resubmit the construction plans with fee.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 25. Step four, final plat.**

- (a) Purpose. The purpose of the final plat is to ensure the preparation, completion and recording of a final plat map and its accompanying legal documentation and the review and approval of final technical submittals.
- (b) Submission. Following the construction plan approval the subdivider shall submit to the City building and zoning department a final plat as specified in section 20A-34 herein, incorporating such changes and considerations which were conditions of approval of the preliminary plat.
- (c) Copies. The final plat shall be submitted in four (4) copies. Following changes made in compliance with any conditions of final approval, four (4) final copies shall be submitted as the permanent record.
- (d) Fee. Application for approval of the final plat shall be accompanied by a fee as set by the City Council in their most recent schedule.
- (e) Deadline. All submittals must be made twenty (20) working days prior to the next regularly scheduled meeting of the City Council.
- (f) Procedure. The City Council, the planning commission and the City Engineer will review the final plat documents within twenty (20) working days after their receipt at the building and zoning department.
- (g) Improvements. Prior to action on the final plat, the City Council shall require that all improvements including recreation facilities, golf courses and amenities approved on the preliminary plat, be satisfactorily completed by the subdivider and approved by the City Engineer, or, in lieu thereof, a surety or performance bond be presented as specified in Article I, Section 1.15.
- (h) Dedication of open space. Prior to action on the final plat, the City Council may require that the dedication of any land or payment of fee in lieu thereof, be made by the subdivider.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Secs. 20A- 26- - 20A- 30. Reserved.**

### **ARTICLE III. SPECIFICATIONS FOR DOCUMENTS**

#### **Sec. 20A- 31. Required documents for preapplication step.**

A sketch development plan in simple, but relatively accurate form, drawn to a convenient scale of one inch to two hundred (200) feet shall be submitted and shall show the following:

- (a) Name:
  - (1) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
  - (2) Name of resubdivision if property is within an existing subdivision.
- (b) Ownership:
  - (1) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
  - (2) Citation of any existing legal rights-of-way or easements affecting the property.
  - (3) Existing covenants on property, if any.
  - (4) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
- (c) Description: Legal description of subject property, City, state and date.
- (d) Features.
  - (1) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; current use of land within five hundred (500) feet of proposed subdivision.
  - (2) Natural features including lakes, marshes or swamps, watercourses, flood-prone areas, existing soil types, historical and archaeological, and other pertinent features.
  - (3) Approximate topography, at the same scale as the sketch plat.
  - (4) The approximate location and widths of proposed streets.

- (5) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- (6) The approximate location, dimensions, areas of all proposed or existing lots.
- (7) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (8) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of not more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed street system, and an indication of the probable future street system and drainage system of the remaining portion of the tract.
- (9) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 32. Required documents for preliminary plat approval.**

The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one inch equals two hundred (200) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the Clerk of the circuit court, and shall not be larger than twenty-four by thirty-six (24 x 36) inches.

- (a) General. Data required for the preliminary plat shall include existing conditions as follows except when otherwise specified by the planning commission.
  - (1) Boundary lines: Bearings and distances.
  - (2) Existing streets and easements on and adjacent to the tract; name and right-of-way width and location; type; width and elevation of surface; any legally established center line elevations; sidewalks, curbs, gutters and culverts.
- (b) Preliminary plat. Preliminary plat (general subdivision plan) shall be at a scale where one inch denotes no more than two hundred (200) feet, except that a scale of one inch equals not more than three hundred (300) feet shall be permitted, for the preliminary plat only, for plats of one-half section (three

hundred twenty (320) acres) or more. It shall show all existing conditions required in the following:

- (1) Streets: Names, rights-of-way and roadway width; approximate grades and gradients; similar data for alleys, if any.
  - (2) Other rights-of-way or easements: Location, width and purpose.
  - (3) Location of utilities, if not shown on other exhibits.
  - (4) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
  - (5) Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
  - (6) Site data, including number of residential lots, typical lot size, and acres in parks, etc.
  - (7) Title, scale, north arrow and date.
- (c) Other preliminary plans. When required by the planning commission the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for reasonable distance beyond the limits of the proposed subdivisions; typical cross sections of the proposed grading, roadway and sidewalks. All elevations shall be based on the National Geodetic Vertical Datum.
- (d) Draft of protective covenants. Draft any protective covenants whereby the subdivider proposes to regulate the land use in the subdivision and otherwise protect the proposed development.

(Ord. No. 678-82, <sec> 1, 6-2-82)

### **Sec. 20A- 33. Required documents for construction plans approval.**

Construction plans shall be prepared by a professional engineer registered in the State of Florida for all required improvements. Plans shall be drawn at a scale of no more than one inch equals one hundred (100) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

- (a) Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- (b) The planning commission may require, where steep slopes exist, that cross sections of all proposed streets at one hundred-foot stations shall be shown at five (5) points as follows: One a line at right angles to the center line of the street, and said

elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line, for residential lots and other sites, with accurate dimensions, bearings deflection angles of all curves .

- (1) Name and right-of-way widths of each street or other right-of-way.
  - (2) Location, dimensions and purpose of any easements.
  - (3) Number to identify each lot or site; number or letter for each block.
  - (4) Purpose for which sites, other than residential lots, are to be dedicated, reserved or used.
- (c) Plans and profiles showing the locations and typical cross section of street pavements including curbs and gutters, sidewalks, easements, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas or other underground utilities or structures.
- (d) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the comprehensive plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured twelve (12) inches above ground level; the water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevation of such lakes or streams. All elevations shall be referred to the National Geodetic Vertical Datum. If the subdivision borders a lake, river or stream, the distances and bearing of a meander line established not less than twenty (20) feet back from the mean high water mark of such waterways.
- (e) Topography at the same scale as the sketch plat with a contour interval of two (2) feet, referred to sea level datum. All datum provided shall be latest applicable National Geodetic Vertical Datum and should be so noted on the plat.
- (f) All specifications and references required by the local government's construction standards and specifications, including a site-grading plan for the entire subdivision.

(g) Notation of approval as follows:

\_\_\_\_\_

Owner Date

\_\_\_\_\_

Planning Commission Chairman Date

(h) Title, name, address, and signature of professional engineer, and date, including revision dates.

(Ord. No. 678-82, <sec> 1, 6-2-82)

### **Sec. 20A- 34. Required documents for final subdivision plat approval.**

Final plat. The final plat shall be drawn in ink on tracing cloth or mylar based drafting film, on sheets eighteen (18) inches by twenty- four (24) inches long with a one-half-inch border on three (3) sides and a three-inch border on binder side and shall be at a scale where one inch equals not more than two hundred (200) feet, and in addition shall be in compliance with Chapter 177, Section 177.091 of the Florida Statutes.

(Ord. No. 678-82, <sec> 1, 6-2-82)

### **Secs. 20A- 35- - 20A- 40. Reserved.**

## **ARTICLE IV. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN**

### **Sec. 20A- 41. General improvements.**

- (a) Conformance to applicable rules and regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:
- (1) All applicable statutory provisions.
  - (2) The City of Punta Gorda Zoning Ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdictions.
  - (3) The comprehensive plan, public utilities plan, and capital improvements program of the City of Punta Gorda including all streets, drainage systems and parks shown on the comprehensive plan as adopted.
  - (4) The special requirements of these regulations and any rules of the county health department and/or appropriate state agencies.
  - (5) The rules of the State of Florida Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.



- (6) The standards and regulations adopted by the City Engineer and all boards, commissions, agencies and officials of the City of Punta Gorda.
  - (7) All pertinent standards contained within the planning guides published by the applicable regional or applicable metropolitan planning commission.
  - (8) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in section 20A-4 of these regulations.
- (b) Self-imposed restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the City zoning ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the planning commission may require such restricted covenants to be recorded with the Clerk of the circuit court in form to be approved by the City Attorney.
  - (c) Plats straddling municipal boundaries. Whenever access to the subdivision is required across land into the unincorporated area of Charlotte County, the planning commission may request assurance from the City Attorney that access is legally established, and from the City Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.
  - (d) Character of the land. Land which the planning commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, ecological features, ground water recharge characteristics, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger. The City Engineer and the planning commission shall give their recommendation to the City Council for their consideration.

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 42. Lot improvements.**

- (a) Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and health regulations and in providing driveway access to buildings on such lots from an approved street.

- (b) Lot dimensions. Lot dimensions shall comply with the minimum standards of the City zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purpose shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated as established in the zoning ordinance.
- (c) Double frontage lots and access to lots.
  - (1) Double frontage lots. Double frontage lots and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages to topography and orientation.
  - (2) Access from major and minor arterials. Lots shall not, in general, derive access exclusively from a major or minor street. Where driveway access from major or minor streets may be necessary for several adjoining lots, the planning commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major or minor arterials.
- (d) Soil preservation and drainage. No building permit shall be issued until final grading has been completed in compliance with the approved final construction plans. Topsoil shall not be removed from residential lots and used as spoil, but shall be redistributed as to provide cover on the lots. Ditches and swales shall be stabilized by seeding or by other methods approved by the City Engineer.
  - (1) Lot drainage. Lots shall be laid out so as to provide positive drainage away from all buildings and shall conform to the general storm drainage pattern for the area.
  - (2) Design criteria. All storm water drainage systems must meet the requirements of Chapter 40D of the Florida Administrative Code. Facilities or projects exempt from Chapter 40D must conform to requirements as set forth by the City engineering department and the City subdivision review committee. A completed Southwest Florida Water Management Form must be submitted to the City engineering department, as

appropriate, for each subdivision. Design calculations shall be submitted for review and approval with the final constructions plans.

- (e) Debris and waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials shall be deposited on any lot or street at the time of the issuance of a building permit. Nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- (f) Water bodies and watercourse. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The planning commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than twenty-five (25) per cent of the minimum area of a lot or nine thousand six hundred (9,600) square feet whichever is greater as required under the zoning ordinance may be satisfied by land under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the City Engineer.
- (g) Performance bond to include lot improvement. The performance bond shall include an amount to guarantee completion of all requirements contained in section 20A-42 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, removal of debris and waste and all other improvements that may be required by the City Council.

(Ord. No. 678-82, <sec> 1, 6-2-82; Ord. No. 790-85, <sec> 1, 4-17-85; Ord. No. 1537-08, <sec> 1, 1-2-08)

### **Sec. 20A- 43. Streets.**

- (a) General requirements.
  - (1) Frontage on improved streets. No subdivision shall be approved unless the area to be subdivided shall have frontage on or access from an existing street. Whenever the area to be subdivided is to utilize existing street frontage, such street shall be suitable improved as provided hereinabove.
  - (2) Grading and improvement plan. Streets shall be graded and improved and conform to the local government construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the approved construction plans.

(3) Topography and arrangements.

- a. Local streets shall be curved whenever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. Specific standards are contained in the design standards of these regulations.
- b. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the comprehensive plan.
- c. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- d. Local streets shall be laid out to confirm as much as possible to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- e. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, culs-de-sac, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
- f. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by natural or other physical conditions, or unless in the opinion of the planning commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the advantageous future development or adjacent tracts.
- g. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(4) Blocks.

- a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

- b. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet, nor be less than three hundred (300) feet in length. Whenever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.
  - c. In long blocks the planning commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
  - d. Pedestrianways or crosswalks, may be required by the planning commission through blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, beaches, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the planning commission for prospective use.
- (5) Access to major or minor arterials. Where a subdivision borders on or contains an existing or proposed arterial, the planning commission may require that access to such streets be limited by one of the following means:
- a. The subdivision of lots so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
  - b. A series of culs-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing into the major arterial.
  - c. A marginal access or service road (separated from the primary arterial by a planting or grass strip and having access thereto at suitable points).
- (6) Street names. The preliminary plat shall indicate names for all proposed streets. The local postmaster shall be consulted and his approval in writing shall be obtained and forwarded with the preliminary plat submission. Names shall be sufficiently different in sound and in spelling from other names in the City of Punta Gorda so as not to cause confusion. A street which is, or is planned as a continuation of an existing street shall bear the same name.
- (7) Street regulatory sign. The subdivider shall install street signs at all street intersections prior to the issuance of any building permits. Street signs shall be constructed in accordance with the U.S. Department of

Transportation Manual on Uniform Traffic Control Devices and the City's standard details.

- (8) Street lights. A street lighting plan shall be submitted to the City Engineer for approval with the final construction plans.
- (9) Construction of streets and dead-end streets.
  - a. Construction of streets. The arrangement of streets shall provide for the continuation of collector streets between adjacent properties when such convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the City plan. If the adjacent property is undeveloped the street must be a dead-end street temporarily; the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The planning commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
  - b. Dead-end streets (permanent). Where a street does not extend to the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the planning commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

A cul-de-sac turnabout shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

(Ord. No. 678-82, <sec> 1, 6-2-82)

#### **Sec. 20A- 44. Underground Utilities.**

Provision shall be made for utility lines of all kinds, including but not limited to, those of franchised utilities, electric power and light, telephone and telegraph, cable television, water, sewer and gas, to be constructed and installed beneath the surface of the ground within all subdivisions, unless it is determined by the City Council that soil, topographical or any other compelling conditions make such construction unreasonable or impractical. The underground installation of incidental appurtenances such as transformer boxes, or pedestal mounted boxes for the provision of electric and communication utilities shall not be required.

(Ord. No. 1079-93 <sec> 1 adopted 7-7-93)

**Secs. 20A- 45 - 20A- 50 Reserved.**

**ARTICLE V. DEFINITIONS**

**Sec. 20A- 51. Usage.**

- (a) For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this article.
- (b) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations;" the word "regulations" means "these regulations."
- (c) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; "may" is permissive; a "building" includes a "structure;" a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(Ord. No. 678-82, <sec> 1, 6-2-82)

**Sec. 20A- 52. Words and terms defined.**

**Abutting property:** Any property that is immediately adjacent to or contiguous with property that may be subject to any hearing required to be held under these regulations or that is located immediately across any street or public right-of-way from the property subject to any hearing under these regulations.

**Alley:** A right-of-way providing a secondary means of access and services to abutting property.

**Applicant:** The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

**Block:** The term block includes "tier" or "group" and means a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

**Bond:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council wherever a bond is required by these regulations.

**Building:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. The word "building" includes the word "structure."

**Capital improvements program:** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

**City Engineer:** The term "City Engineer" shall refer to the City Engineer of the City of Punta Gorda, Florida, or as may be designated by the City Council.

**Comprehensive plan:** The City of Punta Gorda Comprehensive Plan prepared and amended in accordance with the Florida Local Government Planning Act of 1975, and adopted by the City Council on December 20, 1979.

**Construction plans:** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission as a condition of the approval of the plat.

**Council:** The term "Council" shall refer to the City Council of the City of Punta Gorda, Florida.

**Developer:** The term means the person or legal entity that applies for approval of a plat of a subdivision pursuant to this regulation.

**Development review committee:** A committee composed of City staff members including the City Manager, City Engineer, Director of Building and Zoning, and the Executive Director of the Charlotte County-Punta Gorda Planning Council, with other representations as may be required. This committee may also be referred to as the subdivision review committee.

**Highway:** Those traffic routes officially designated as federal or state highway routes, also referred to as major and minor arterial.

**Improvements:** Improvements include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (P.R.M.'s), permanent control points (P.C.P.'s) or any other improvement required by a governing body.

**Joint ownership:** Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

**Land surveyor:** A land surveyor registered under Chapter 472, Florida Statutes who is in good standing with the Florida State Board of Professional Engineers and Land Surveyors.

**Local thoroughfares:** Local thoroughfares are those routes intended to carry large volumes of traffic for distances less than



those thoroughfares of a regional or major thoroughfare classification.

**Lot:** Any tract or parcel and the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

**Lot corner:** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

**Lot, double frontage:** A lot having two (2) or more of its non-adjointing property lines abutting upon a street, not including alleys.

**Lot, reversed frontage:** A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, interior lot or a through lot.

**Lot, frontage:** The side of a lot abutting on a street or way and ordinarily regarded as the front of a lot, but it shall not be considered as the ordinary side of a corner lot.

**Marginal access street:** Marginal access streets are streets which are parallel to and adjacent to the limited access highways and thoroughfares, and which provide access to abutting properties. These streets are designed to protect the thoroughfares and highways from the danger created by numerous points of conflict by driveways and individual access to abutting properties.

**Nonresidential subdivision:** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

**Owner:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

**Person:** The word "person" includes any individual, group of individuals, firm, corporation, association, organization, and any legal entity.

**P.C.P.:** Permanent control point which shall be a secondary horizontal control monument and shall be a metal marker with the point of reference marked thereon or a four-inch by four-inch concrete monument a minimum of twenty-four (24) inches long with the point of reference marked thereon. P.C.P.'s shall bear the registration number of the surveyor filing the plat of record.

**P.R.M.:** A permanent reference monument, which consists of a metal rod a minimum of twenty-four (24) inches long or a one-half-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) by four (4) inches, a minimum of twenty-four (24) inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference marked 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.

**Planning commission:** The term "planning commission" or "commission" shall refer to the Planning Commission of the City of Punta Gorda, Florida.

**Plat:** A plat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with these regulations and may include the terms "replat," "amended plat," or "revised plat."

**Private street:** Any easements granted to present and future owners of lots within the boundaries of a subdivision, in common with each other for ingress and egress. No such easements shall be considered a private street until the following three (3) conditions have been met:

- (a) The private street has been clearly designated as such upon the subdivision plat.
- (b) Plans and specifications for such street have been presented to the City Engineer, who, by his signature on the plat, has indicated approval for such streets as to width or right-of-way, drainage and base stabilization.
- (c) The developer of the subdivision has recorded in the office of the Clerk of the Circuit Court a declaration of covenants and restrictions containing substantially the following language:

"In order to provide for the maintenance of private streets, developer hereby declares the following covenants and restrictions to apply to (name of subdivision).

1. Developer has caused to be incorporated under the laws of the State of Florida as a nonprofit corporation \_\_\_\_\_, Association, for the purpose of maintaining the aforesaid private streets.
2. Every person or entity who is a record owner of the fee or undivided fee interest in any lot which is subject to this declaration of covenants and restrictions shall be a member of the association, provided that any such person or entity who holds such interest merely as security for the performance of an obligation, shall not be a member.
3. Each member shall have one vote for each lot owned by him, and in no event shall more than one vote be cast for each lot.

4. Each owner, other than developer, of any lot by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed or other conveyance, shall be deemed to covenant and agree to pay the association an annual assessment to be fixed, established and collected, from time to time, as hereinafter provided. The annual and special assessments, together with such interest thereon as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with such interest thereon and cost of collection thereof, as hereinafter provided, shall also be the personal obligation of the person who is the owner of such property at the time when the assessment fell due.
5. The assessments levied by the association shall be used exclusively for the purpose of maintaining the private streets described in the plat of \_\_\_\_\_ subdivision.
6. The first assessment shall be due in the amount of \_\_\_\_\_ per lot, and shall be due and payable on \_\_\_\_\_, 19\_\_\_\_ and all subsequent assessment shall be payable on or before \_\_\_\_\_ of each succeeding year.
7. Subsequent to the due date of the first annual assessment, the board of directors of the association may, after consideration of current maintenance costs and future needs of the association, fix the amount of the annual assessment for any year at such amount as may be required for maintenance of said private streets."

**Public improvements:** Any drainage ditch, canal, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvements, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which City responsibility is established. All such improvements shall be properly bonded.

**Resubdivision:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adopting of any regulations controlling subdivisions.

**Right- of- way:** Land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals or governing bodies.

**Rights- of- way dedication:** Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency

shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Sale or lease:** Any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

**Same ownership:** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**Sewerage system:** A public or private sewer system including collection and treatment facilities.

**Street tree:** A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

**Street:** Any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved.

**Street, cul- de- sac:** A street terminated at the end by a vehicular turnaround.

**Street, frontage:** Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

**Street, local:** A street providing access to adjacent property; traffic movement at low speed with small traffic volumes; streets designed to eliminate through traffic.

**Street, major arterial:** A street providing for large volumes of traffic traveling relatively long distances at high operating speed. Access to major arterials should be well controlled and, where possible, limited to collector streets; usually forms the boundaries of neighborhoods; parking is prohibited.

**Street, minor arterial:** A street providing for relatively large volumes of traffic at moderate to high operating speeds. Signals should be provided where necessary with stop signs on side streets; occasionally provides boundaries of neighborhoods.

**Street, major collector:** A street providing for traffic movement between arterials; traffic movement of relatively short trips at moderate speed; stop signs on side streets are required.

**Street, minor collector:** A street providing a connector link for local streets and arterials. Traffic movement are of relatively short trips and moderate speed. Stop signs on side streets are required.

**Subdivider:** Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

**Subdivision:** Subdivision means the platting of real property into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, and includes establishment of new streets and alleys, additions and resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

**Subdivision agent:** Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an Attorney-at-law whose representation of another person consists solely of rendering legal services.

**Subdivision plat, final:** The final plat and supporting data representing a land survey of lots, blocks, and streets, and the engineering plan and specifications for streets, utilities and other improvements.

**Subdivision plat, preliminary:** A preliminary plan with supporting data for a proposed subdivision, developed for the purpose of establishing the general layout and provision of streets, lots, blocks and utilities.

**Survey data:** Survey data means all information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.

- (a) "Point of curvature;" written "P.C.," means the point where a tangent circular curve begins.
- (b) "Point of tangency," written "P.T.," means the point where a tangent circular curve ends and becomes tangent.
- (c) "Point of compound curvature," written "P.C.C.," means the point where two (2) circular curves have a common point of tangency, the curves lying on the same side of the common tangent.
- (d) "Point of reverse curvature," written "P.R.C.," means the point where two (2) circular curves have a common point of

tangency, the curves lying on opposite sides of the common tangent.

**Temporary improvement:** Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

**Water system:** A public or private water system including water treatment and distribution facilities.

(Ord. No. 678-82, <sec> 1, 6-2-82; Ord. No. 1537-08, <sec> 1, 1-2-08)

**Secs. 20A- 53- - 20A- 60. Reserved.**

## **ARTICLE VI. CONSTRUCTION SPECIFICATIONS**

### **Sec. 20A- 61. Adoption.**

The City Subdivision Construction Specifications being particularly the most currently assembled edition, of which not less than three (3) copies have been and are now filed in the office of the City Clerk in duplicate resolution books, is hereby adopted and incorporated as if fully set forth at length herein, and from the effective date shall concern construction within certain chapters of the Code of Ordinances. The duplicate resolution books shall be named Subdivision Construction Specifications Resolution Book and all amendments by Council resolution thereto shall be placed therein by duplicate copy.

(Ord. No. 678-82, <sec> 1, 6-2-82; Ord. No. 982-90, <sec> 1, 4-4-90)