

Prepared by: City Clerk

ORDINANCE NO. 2018-28

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE VI, DESIGN AND DEVELOPMENT STANDARDS, DIVISION 2, SUBDIVISION DESIGN STANDARDS, SECTION 86-230, GENERAL; AND SECTION 86-231, PLAT REQUIREMENTS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the city desires to clarify and amend certain requirements and procedures related to the subdivision and platting of real property in the city; and

WHEREAS, the city desires to adopt language which facilitates more effective and efficient platting procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 2, Subdivision Design Standards, Section 86-230(a), General; Definition for Subdivision is hereby amended to read as follows:

Sec. 86-230. General.

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

Bike lane thru Street No Change.

Subdivision. A subdivision of land is the division of real property into ~~more than two~~ lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, and/or the 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; provided, however, that the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land. Subdivision includes the division of land whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other instrument.

SECTION 3. Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 2, Subdivision Design Standards, Section 86-231, Plat requirements; is hereby amended to read as follows:

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Sec. 86-231. Plat requirements.

- (a) *Platting required.* It shall be unlawful for any person, being the owner, agent or person having control of any land within the city, to subdivide or lay out such land in lots unless by a plat, in accordance with the regulations contained in this chapter and the applicable laws of the state.
- (b) *Procedure for plat approval.*
 - (1) *Pre-application meeting.* Each subdivider of land shall attend a pre-application meeting with the zoning administrator before preparing a preliminary plat. In this way, the subdivider may become thoroughly familiar with the land development requirements and with the proposals of the comprehensive plan affecting the territory in which the land lies.
 - (2) *Code compliance review.* After completion of the pre-application meeting, a preliminary plat application including a boundary survey of the lands to be platted, a title opinion of an attorney at law licensed in Florida or a property information report showing that record title to the land as described and shown on the plat application is in the name of the person, persons, corporation, or entity executing the dedication, and showing all mortgages not satisfied or released of record nor otherwise terminated by law, and subdivision plans including the following required items shall be submitted to the zoning administrator. The zoning administrator shall examine or cause to be examined the application and all pertinent information and shall ascertain by such reviews whether the proposed preliminary plat is in accordance with the requirements of the technical codes and other applicable laws and ordinances. The preliminary plat shall be submitted by the zoning administrator along with all pertinent comment and criticism in writing by appropriate city officers and departments, to the planning commission for its approval, approval with conditions, or disapproval.

Subdivision plans submitted for code compliance review shall meet the requirements of the land development review procedure available from the planning and zoning department and shall include the required fees. Subdivision plans shall be prepared by a state-licensed land surveyor, professional engineer, architect or certified land planner as may be appropriate to the particular item or as required by state law. Site improvements such as parking lot improvements, utility design (stormwater, reclaimed water, water and wastewater), paving and grading plan, and best management plans shall be signed and sealed by a state-licensed professional engineer on each sheet. Landscaping plan shall be signed and sealed by a state-licensed landscape architect. Subdivision plans shall include the following elements, if applicable:

- a. Preliminary plat application and required fee as outlined in this chapter.
- b. A statement describing in detail the character and intended use of the development.
- c. General location map, showing the relation of the site for which the subdivision plan approval is sought, to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project and other applicable items.
- d. A site plan containing the title of the project and the names of the project planner, providers of utility services, date and north arrow. Site plan must be based on an exact survey of the property drawn to a scale of sufficient size to show:
 - 1. Boundaries of the project, any existing streets, buildings, watercourses, easements and section lines;

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2. Exact location of all existing and proposed buildings and structures;
 3. Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic;
 4. Off-street parking and off-street loading areas;
 5. Recreation facility locations;
 6. All screens and buffers;
 7. Refuse collection areas;
 8. Access to utilities and points of utility hookups; and
 9. Land use of adjacent properties.
- e. Preliminary plat meeting the requirements of this chapter.
 - f. Tabulation of the total gross acreage in the project and the percentages devoted to the various permitted uses, ground cover by structures, and other impervious surface coverage. Designation of impervious surfaces should be designated such as pavement, pool, pond, etc.
 - g. Tabulations showing the derivation of numbers for off-street parking and off-street loading spaces as on site plan and the total project density in dwelling units per acre.
 - h. If common facilities such as recreation areas or structures, private streets, common open spaces, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, surety arrangements or other legal instruments providing adequate guarantee to the city that such common facilities will not become a future liability for the city.
 - i. Stormwater drainage, potable water, reclaimed water and wastewater collection plans.
 - j. Existing and proposed elevations or land contours at 0.5-foot intervals based on NGVD or NAVD88. Datum basis must be clearly stated.
 - k. Existing and proposed utility lines and fire hydrants.
 - l. Plans for signs, if any, together with an exterior lighting plan.
 - m. Landscaping plan, including types, sizes and location of vegetation and decorative shrubbery, showing provisions for irrigation and maintenance, and showing all existing trees, identifying those trees to be removed.
 - n. Plans for recreation facilities, if any, including buildings for such use.
 - o. Such additional data, maps, plans or statements as may be determined by the zoning administrator to be required for the particular use or activity involved.

(3) thru (5) No change.

- (6) *Final platting.* Upon satisfactory completion of all of the improvements or the posting of a developer's bond as set forth in this chapter, the developer shall present the final plat to the city engineer for review and approval. The city engineer shall have the plat reviewed for conformity

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in accordance with ~~state law~~ the requirements of F.S. ch. 177, Land Boundaries, Part I, Platting, as amended, by a state-licensed professional land surveyor contracted or employed by the city and licensed under F.S. ch. 472. Costs shall be borne by the ~~applicant~~ developer offering the plat for review. The city engineer shall examine the final plat for the purpose of determining its compliance with applicable rules, regulations and laws and evaluate the findings of the conformity review. Upon determining such compliance, the city engineer shall ~~affix his signature thereto and~~ request a Mylar of the final plat from the developer, including all required signatures from the developer and, upon receipt, deliver the final plat to the city clerk for presentation to city council. Developer's failure to present the fully executed Mylar to the city within 60 days of the city engineer's approval will require the plat to be resubmitted in compliance with the regulations that are in effect at the time of resubmission. No documentation from the previous submission will be carried over from the city's files and all fees for submission of plats shall apply.

- (7) *City council review.* The city engineer shall present the final plat to city council at its next available regular meeting for consideration. City Council may approve or disapprove the plat. Approval of the final plat by city council shall authorize the mayor to affix his signature thereto, signifying that the plat is in proper form and that dedications on the plat have been accepted by the city.
- (8) *Recording of final plat.* ~~Upon approval of the final plat by city council and signature by the mayor, city attorney and city engineer, the city clerk shall return the plat to the developer. Upon receipt of the approved final plat, the developer shall record the approved plat with the county clerk of court. All permit fees required for recording the plat shall be borne by the developer. The developer shall provide copies of the recorded final plat as required by the city. Upon having obtained the approval of City Council, the city shall secure the signatures of the mayor, city attorney and city engineer, and record the plat within 30 days of final approval of the plat by the City Council. All expenses for the recording of the plat shall be paid by the developer prior to the city recording the plat.~~

(c) *Format; required information.*

- (1) *No change.*
- (2) *Final plat.* The final plat shall be prepared in accordance with the requirements of F.S., ch. 177, Land Boundaries, Part I, Platting, as amended. In addition, t~~The final plat shall be a black-on-white print measuring 23 inches in length and 18 inches in width, and shall have a three-inch binding edge on the left side of the plat and a one-inch border on the remaining three sides of the plat. The developer shall initially submit two copies of the final plat with the required fees for review to the city engineer. Upon acceptance by the city engineer, the developer shall provide the city with four prints (one reproducible Mylar and three black-on-white prints). The developer shall provide copies of any deed restrictions to be imposed by the developer. Where such restrictions are too lengthy to be shown on the plat, they shall be submitted as attached documents to the plat to city council for its review and approval. The final plat is to be drawn at a scale of not more than 100 feet to the inch unless written approval is received from the city engineer for a smaller scale. If more than two sheets are required, an index sheet of the same dimensions shall be filed, showing the entire subdivision on one sheet of the areas shown on the other sheets. The final plat shall show:~~
 - a. thru m. No change.

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- n. Signature and acknowledgement of the owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon. (See exhibit 1 to Ordinance No. ~~687-77~~ 2018-28.)
- o. Certificate of consent to dedication. (See exhibit 2 to Ordinance No. ~~687-77~~ 2018-28.)
- p. Certificate of approval of city council. (See exhibit 3 to Ordinance No. ~~687-77~~ 2018-28.)
- q. The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. (See exhibit 4 to Ordinance No. ~~687-77~~ 2018-28.)
- r. The plat must be signed and sealed by a professional surveyor and mapper, who must state on the plat that the plat was prepared under his or her direction and supervision and that the plat complies with all applicable survey requirements. Every plat must also contain the printed name and registration number of the professional surveyor and mapper directly below the required statement, along with the printed name, address, and certificate of authorization number of the legal entity, if any.
- ~~sf.~~ Certificate of approval of the city surveyor.
- ~~ts.~~ Certificate of approval of the county clerk. (See exhibit 5 to Ordinance No. ~~687-77~~ 2018-28.)
- ~~ut.~~ Any additional requirements that may be prescribed by the laws of the state relating to maps and plats proposed for public recording.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 6. This Ordinance shall take effect immediately upon approval and adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 11TH DAY OF SEPTEMBER 2018.

First Reading: August 28, 2018

Final Reading: September 11, 2018

Adoption: September 11, 2018

John W. Holic, Mayor

Attest:

Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 11th day of September 2018 a quorum being present.

WITNESS my hand and the official seal of said City this 11th day of September 2018.

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

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EXHIBIT 1

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF FLORIDA

COUNTY OF _____

[Name of Corp., Partnership, etc.] a Florida [Corporation, Partnership, etc.], by its [Title]
[Name], acting by and with the authority of the said [Corporation, Partnership, etc.], certifies ownership
by said [Corporation, Partnership, etc.] of the property described hereon and known as [Subdivision name, Unit]
_____, and does hereby dedicate and set apart all of the streets, walks, alleys, thoroughfares, rear and side lot lines
for utility and drainage easements, parks and other open spaces, canals and drainage or other appurtenances as shown
on this plat, for said uses and purposes, to the County of Sarasota, and the City of Venice, forever.

IN WITNESS WHEREOF, the undersigned [Corporation, Partnership, etc.] has caused these presents to
be executed by its [Title] this _____ day of _____, 20__.

WITNESSES:

[Corporation, Partnership, etc.]

Print Name: _____

By: _____

Its: _____

Print Name: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by
[Name] as [Title] of [Corporation, Partnership, etc.], a Florida [Corporation, Partnership,
etc.] on behalf of the corporation. He/She () is personally known to me OR () has produced
_____ as identification.

(SEAL)

NOTARY PUBLIC SIGNATURE

STATE OF FLORIDA

Printed Name: _____

My Commission Expires: _____

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EXHIBIT 2

CERTIFICATE OF CONSENT TO DEDICATION

(one for each mortgagee)

[Mortgagee doing business as], holder of mortgage dated _____, and recorded in Official Records Instrument No. _____, Public Records of Sarasota County, Florida, does hereby consent to, ratify, approve and confirm this plat and the dedication certificate thereon.

IN WITNESS WHEREOF, the undersigned corporation has caused these presents to be executed and attested by its duly authorized officers, this _____ day of _____, 20____.

ATTEST: [Mortgagee doing business as]

Print Name: _____
Title: _____

By: _____
Its: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by [Name] as [Title] of [Corporation, Partnership, etc.], a Florida [Corporation, Partnership, etc.], on behalf of the corporation. He/She (____) is personally known to me OR (____) has produced _____ as identification.

(SEAL)

NOTARY PUBLIC SIGNATURE
STATE OF FLORIDA
Printed Name: _____
My Commission Expires: _____

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EXHIBIT 3

CERTIFICATE OF APPROVAL OF CITY COUNCIL

STATE OF FLORIDA
COUNTY OF SARASOTA

It is hereby certified that this plat has been officially accepted by the City Council of Venice, a Municipality in the County of Sarasota, State of Florida, this ____ day of _____, 20__.

City Attorney

Mayor, City of Venice

City Engineer

EXHIBIT 4

SURVEYOR'S CERTIFICATE

I, the undersigned Registered Land Surveyor, hereby certifies that this plat is a true representation of the lands described and shown to the best of my knowledge and belief, that the survey was made under my responsible direction and supervision, that the survey data complies with all the requirements of Chapter 177, Florida Statutes, and that permanent reference monuments have been placed.

_____(SEAL)
Registered Land Surveyor
Florida Certificate No. _____

Date of Survey

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EXHIBIT 5

CERTIFICATE OF APPROVAL OF COUNTY CLERK

STATE OF FLORIDA

COUNTY OF _____

I, [Name] , Clerk of the Circuit Court of Sarasota County, Florida, hereby certify that this plat has been examined and that it complies in form with all the requirements of the Statutes of Florida pertaining to maps and plats and that this plat has been filed for record in Plat Book _____, Page(s) _____, Public Records of Sarasota County, Florida, this _____ day of _____, 20____.

Clerk of the Circuit Court
Sarasota County, Florida

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