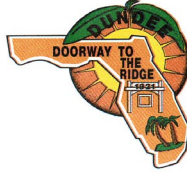


# *Town of Dundee*



**AGENDA  
PLANNING AND ZONING BOARD  
OCTOBER 20, 2022  
5:30 P.M.**

**LOCATION: TOWN HALL, 202 EAST MAIN STREET, DUNDEE, FLORIDA**

- ❖ **CALL TO ORDER:**
- ❖ **PLEDGE OF ALLEGIANCE:**
- ❖ **ROLL CALL:**

**ITEM 1: DISCUSSION ITEMS**

- A. **BONDING LANGUAGE & SUBDIVISION PLATTING GUIDELINES RELATED TO THE SUBDIVISION APPROVAL PROCESS**

**DELEGATIONS- QUESTIONS & COMMENTS FROM THE FLOOR**

*(Each speaker shall be limited to three (3) minutes)*

**REPORTS FROM OFFICERS:**

- PLANNING DEPARTMENT COMMENTS
- TOWN ATTORNEY COMMENTS
- BOARD MEMBER COMMENTS
- CHAIRPERSON COMMENTS

**ADJOURNMENT**

**PUBLIC NOTICE**

PLEASE BE ADVISED THAT IF YOU DESIRE TO APPEAL FROM ANY DECISIONS MADE AS A RESULT OF THE ABOVE HEARING OR MEETING, YOU WILL NEED A RECORD OF THE PROCEEDINGS AND IN SOME CASES, A VERBATIM RECORD IS REQUIRED. YOU MUST MAKE YOUR OWN ARRANGEMENTS TO PRODUCE THIS RECORD. (FLORIDA STATUTE 286.0105)

IF YOU ARE A PERSON WITH DISABILITY WHO NEEDS ANY ACCOMODATIONS IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE TOWN CLERK'S OFFICE AT 202 EAST MAIN STREET, DUNDEE, FLORIDA 33838 OR PHONE (863) 438-8330 WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS MEETING NOTIFICATION; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 1-800-955-8771.

## **AGENDA ITEM**

**DATE PREPARED BY:** October 14, 2022  
**PREPARED BY:** Lorraine Y. Peterson, Town Planner  
**AGENDA DATE:** October 20, 2022  
**REQUESTED ACTION:** Discussion of bonding language and subdivision platting guidelines related to the subdivision approval process.

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### **BACKGROUND:**

Sections 7.01.08 – 7.01.12, 7.09.09 and Code of Ordinance 54-7

### **ISSUES:**

1. Final Plat submission guidelines
2. Bonding language

### **Draft Language for Discussion:**

#### **Final plat.**

Upon the acceptance of the construction drawings and all subdivision improvements by the Town Engineer, the developer may present a final plat for approval. The final plat shall be approved by the Town Commission by resolution if it meets all of the Town's established minimum requirements and all other requirements set forth by Chapter 177 of the Florida Statutes.

- (1) *Submission of final plat.*

- (a) An application for final plat approval shall be submitted with an appropriate fee established by the Town and with accompanying documents as specified herein to the Development Services Director. The Development Services Director shall forward copies of the final plat to the Town Engineer, Town Attorney, and a surveyor licensed by the State of Florida under the Town's employ and/or contract for their review and comments. Upon approval of the final plat by Town staff, the Development Services Director via the Town Manager shall place the applications on the agenda of the Town Commission for final review and approval.
  
- (b) Required documents. One (1) electronic copy of the following documents shall be submitted for review of the final plat:
  - 1. Final plat shall conform with the requirements as set forth in Chapter 177, Florida Statutes and this code including the following items:
    - a. Dedications and reservations executed by the landowner;
    - b. Acknowledgement and joinder for any party accepting a dedication and/or reservation;
    - c. Certification by a registered land surveyor;
    - d. Statements of endorsement to be signed by the Town Engineer, Development Services Director, Town's reviewing surveyor, Mayor, and Town Clerk.

The preferred scale of the final plat is one (1) inch equals one hundred (100) feet.

- 2. Boundary survey of the lands contained within the subdivision.

3. A statement shall be included on the final plat indicating the total length of roads, water and sewer lines installed.
  4. Pursuant to Section 177.041, Florida Statutes (2021), a title opinion or property information report. For purposes of this section, the title opinion or property information report shall be updated within three (3) months of final plat approval and certified no earlier than 30 days prior to the date on which the application is submitted.
  5. Documentation establishing, if applicable, that a homeowner's association or property owner's association is legally formed and active for the subdivision.
  6. Copy of the recorded restrictive deeds and covenants for the subdivision.
  7. Detailed cost breakdown of all proposed improvements.
- (c) All required permits and approvals issued by governing bodies having jurisdiction over properties being subdivided shall be furnished to the Town Engineer and Development Services–Director. The final plat shall not be approved by the Town Commission without prior submission of permits and approvals.
- (2) *Engineering drawings.* Three (3) sets of Town-approved engineering as-built drawings shall be submitted with the final plat. All as-built drawings shall contain a certification by a professional engineer or registered land surveyor of personal verification of the exact location and dimensions of all completed improvements, as well as certification that all utilities have been installed in accordance with specifications.
- (3) Upon receipt of the application for final plat approval and once a determination is made by Town staff that the final plat and all supporting documents conform to the

Town's requirements, the final plat will be forwarded via the Town Manager to the Town Commission for approval.

- (4) When the final plat application and required documentation are not approved by Town staff, the applicant has three (3) months from the notification date to make any revisions and resubmit for review. After three (3) months, the plans become subject to any changes in the Town's rules and/or regulations.
  
- (5) *Standards for approval.* No final plat shall be approved for recording, unless:
  - (a) The final plat conforms with the approved site plan and/or conceptual plan for the proposed subdivision;
  
  - (b) The final plat is in compliance with all applicable regulations, approved construction drawings and as-built drawings;
  
  - (c) All improvements have been installed, inspected and accepted by the Town or, when approved by the Town, the developer has provided the Town with "adequate performance security" and "adequate defect security" in accordance with the provisions of this Code;
  
  - (d) The developer has paid all application and recording fees required by the Town;
  
  - (e) When construction of the required improvements are not complete, inspected and accepted, a subdivision agreement or developer's agreement shall be required; and
  
  - (f) The developer has provided one (1) copy of all homeowner's documents (articles of incorporation, bylaws, and deed restrictions) for review by the Town attorney and three (3) copies of the approved homeowners documents; and

The Town Commission shall take action to accept or reject the final plat. The Town Commission may add reasonable conditions to its approval of a final plat, but if it determines that the developer must make changes to the plat, including changes to exactions or to restrictions on the face of the plat, then it shall be remanded to the Town Attorney to review such changes. Approval of the final plat and acceptance of public improvements and dedications shall be by resolution and shall authorize the Mayor and Town Clerk to sign the copy of the final plat to be recorded.

(6) *Contingent approval.* Final plat approval shall be contingent upon the developer providing proof of:

(a) Filing with the Department of State of the bylaws and articles of incorporation for the Homeowners Association;

(b) When construction of required improvements are not complete, installed, inspected and accepted by the Town, a subdivision agreement or developer's agreement shall be approved by the Town Commission, executed by the parties, and recorded in the public records in and for Polk County, Florida; and

(c) All federal, state and local permits which may include, but shall not be limited to, Florida Department of Transportation, Department of Environmental Protection, the U.S. Corps of Engineers, and the Southwest Florida Water Management District.

(7) *Effect of approval.* No lot may be sold until all contingencies have been fulfilled. Upon recordation of the final plat, the developer may submit application(s) for building permits. Upon approval by the Town Commission, the final plat shall be filed and recorded with the Clerk of the Circuit Court for Polk County. The Town Clerk shall be responsible for recording the final plat and for returning one (1) reproducible copy of the recorded plat to the Town Engineer.

(8) *Performance security required.*

(a) *Full performance security.*

In order to receive final plat approval before the installation of all improvements, the developer shall provide and maintain sufficient full performance security guaranteeing the installation and approval of all private on-site or off-site improvements and the installation and acceptance of all public on-site or off-site improvements in accordance with the minimum requirements set forth herein. When providing full performance security, the developer shall submit the performance security on forms provided by the Town two (2) weeks before any Town Commission action; such security shall be effective as of the date on which the Town Commission approves the final plat. Such performance security shall comply with all applicable statutory requirements, the requirements of this Code, and be satisfactory in form to the Town Attorney and the Town Engineer and the Town's Planning staff and be in an amount equal to one hundred and twenty-five (125%) percent of the developer's contract for the work that remains uncompleted and not accepted at the time of final plat approval as certified in writing by the engineer of record, subject to approval by the Town's Planning staff and the Town Engineer. When providing a bond for performance security, the bonding company shall have a B+ or better rating in accordance with "Best Bond Book." In the case of a letter of credit, provisions for drawdowns from the letter of credit as improvements are completed and accepted shall accompany the surety. The letter of credit shall have a maximum duration of twenty-four (24) months.

(b) No more than fifty percent (50%) of the value of the total required improvements shall be considered for bonding and/or letter of credit given hereunder.

(c) *Effective period; extensions.* The effective period of the performance security shall not be less than one (1) year from the date on which the Town Commission approves the final plat; provided, however, that the Town may permit or require extensions by renegotiation of the security amount and execution of a new subdivision agreement.

(d) *Release of performance security.* Subject to the terms of the applicable subdivision agreement, the performance security shall be released by the Town

when all private improvements are installed, inspected and approved and when all public improvements are installed, inspected and accepted.

(9) Maintenance and defect guarantee.

(a) The developer shall warrant and guarantee the materials and workmanship of all infrastructure and infrastructure improvements within the subdivision that are dedicated to the public, including streets, curb and gutter, sidewalks, potable water distribution system, sanitary sewer collection and transmission system, reclaimed water system and stormwater management system. This guarantee shall be for an amount equal to ten (10) percent (%) of the actual construction costs of improvements and/or other adequate written assurances which are set forth in an applicable subdivision agreement for the purpose of correcting any construction, design or material defects or failures within public rights-of-way or easements in the development or required off-site improvements. The form and manner of execution of such securities shall be subject to the approval of the Town attorney.

(b) The effective period for such security shall be one (1) year and thirty (30) days following the Town's acceptance of the installed improvements. Upon default, the Town may exercise its rights under the security instrument, upon ten (10) days' written notice by certified mail to the parties to the instrument or as otherwise set forth in an applicable subdivision agreement.

(c) *Release of defect security.* Subject to the terms of such security and/or subdivision agreement, the maintenance and defect security shall be released by the Town at the expiration of its effective period.

7.01.01. - General.

The purpose of this section is to establish procedures and standards for the development and subdivision of real property within the Town of Dundee, in an effort to insure proper legal description, identification, monumentation and recording of real estate boundaries; aid in the coordination of land development in Dundee in accordance with orderly physical patterns; promote the health, safety and general welfare of the residents; insure the purchaser of land in a subdivision that necessary

improvements of lasting quality have been installed; insure that the citizens and taxpayers of Dundee will not have to bear the costs resulting from haphazard subdivision of land; to maintain the authority of the town to require installation by the developer of adequate and necessary physical improvements; assure equitable handling of all subdivision plats by providing uniform procedures and standards for observation



both by the subdivider and the town; guide the future growth and development of the town in accordance with the comprehensive plan.

(Ord. No. 04-30, § 1, 4-13-04)

7.01.02. - Applicability.

These regulations shall apply to all subdivisions, including those intended for commercial and industrial development. The provisions of this section are applicable to the division of a parcel of land, which is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how described or recorded, into three or more parcels, lots, tracts or sites for the purpose of transfer of ownership or building development.

(Ord. No. 04-30, § 1, 4-13-04)

7.01.03. - Administrative approvals.

(A) *Lot divisions by survey or legal description:* The development director may administratively approve the division of property for residential use by means of a survey or metes and bounds legal description rather than a plat under the following conditions:

- (1) The approval does not result in the creation of more than one new lot.
- (2) The approval does not create a lot which does not meet applicable zoning district standards for width, depth, and area.
- (3) Each lot has frontage on a public road, and no new public streets are needed to serve either property.
- (4) No extension of a public water or sewer system is needed.
- (5) There will be no necessity for drainage facilities serving other properties to cross either lot affected by the administrative approval (certification shall be provided by a professional engineer registered in the State of Florida).

In requesting the administrative approval, the applicant shall provide the following items:

1. Copy of the deed to the property. If applicant does not own the property, he must obtain written permission from the owner, including a notarized signature, authorizing him to make the application.
2. Copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.
3. Certified survey (if necessary).
4. Applicable fee as established by resolution of the town commission.

(B) *Adjustments to existing plats:* Minor adjustments to a subdivision plat may be authorized by the development director without the requirement to replat, where all of the following conditions are satisfied:

- (1) No more than two new lots or tracts may be created.
- (2) No new street is proposed, or additional right-of-way is needed.
- (3) No vacation or elimination of streets, setback, access control or easements are required or proposed.
- (4) Such action will not result in significant increases in service requirements or interfere with maintenance of existing levels of service.

- (5) All easement requirements have been or will have been satisfied.
- (6) Such division will not result in a tract or lot without direct access to a street.
- (7) A nonconforming lot, either by dimension or area as prescribed by the applicable zoning district, will not be created.

In granting approval, the development director may impose such conditions, safeguards and requirements as deemed necessary to implement the intent and purpose of this section. The development director may require any division or combination of previously platted property to comply with the complete platting process as set forth in this section where warranted.

(Ord. No. 04-30, § 1, 4-13-04; Ord. No. 12-12, § 1, 2-14-12)

#### 7.01.04. - Review and approval of subdivision plans.

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the installation of utilities, either public or private, construction, paving and drainage, or structures in such proposed subdivisions shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision through submission of the following documents:

1. Concept plan review;
2. Preliminary subdivision plan;
3. Certified subdivision plan;
4. Final subdivision plat.

*Final subdivision plat.* Upon completion of all subdivision infrastructure improvements, or guarantee thereof, the subdivider shall apply for and receive approval of a Final Subdivision Plat before applying for permits to build structures on the lots thus created.

(Ord. No. 04-30, § 1, 4-13-04)

#### 7.01.05. - Concept plan review.

- (A) The developer shall present a subdivision concept plan to the development director who shall review the plan as to its conformance to the comprehensive plan, zoning and other applicable land development regulations. All subdivisions shall have safe and adequate access and no subdivision shall have access or frontage on a substandard street. The plan shall show, at a minimum:

Proposed use (type of units, whether they are single-family attached or detached, or multi-family and what type);

Basic street layout;

Typical lot sizes;

Boundaries; and

Significant physical conditions.

- (B) The concept plan may be a sketch, but must be drawn to scale.
- (C) The applicant will be asked to meet with the development director, town engineer, fire official and other town staff reviewing the concept plan to explain the basic concept of his subdivision.

- (D) The staff will comment on the concept, informing the applicant of regulations he may not be aware of. For example, the concept plan may show the spacing of fire hydrants as incorrect and the fire official can give him the correct regulations on the spot.
- (E) If the applicant requests comments in writing, those comments shall be detailed in a letter to the developer not less than ten working days after submission, and shall form the basis for preparing the preliminary plat.

(Ord. No. 04-30, § 1, 4-13-04; Ord. No. 05-99, § 1(Exh. A), 1-10-06)

7.01.06. - Preliminary subdivision plan.

The purpose of the preliminary subdivision plan (PSP) is to provide sufficient information regarding a proposed development to enable the town to evaluate the proposed subdivision as it relates to the Comprehensive Plan and Land Development Code.

(A) *Submittals.* The PSP review shall be initiated when the following items are submitted:

1. Six copies of the PSP.
2. Completed application forms with all necessary attachments.
3. The pre-application review fee, as established by resolution of the town commission.

(B) *Required Information.* The PSP shall be drawn to a scale not smaller than one inch = 100 feet, and shall include the following:

1. Date, north arrow, and scale.
2. Title block identifying the name and/or title of the proposed subdivision. The name shall not duplicate or closely approximate the name of any other subdivision recorded in the Public Records of Polk County, Florida.
3. Name, address, and telephone number of the applicant, property owner (if different than the applicant), and the person preparing the plan.
4. Legal description of the property, US survey section, township and range lines. Boundary lines of the tract to be subdivided shall be shown, drawn accurately to scale and with accurate linear and angular dimensions.
5. All roads (with functional classifications identified), utilities, watercourses, drainage ditches, canals and bodies of water on and within 500 feet of the proposed subdivision.
6. All significant land features, existing structures, wooded areas, and the location and names of adjacent subdivisions.
7. Delineation of areas within the 100-year flood zone as identified by the Federal Emergency Management Agency (FEMA).
8. All existing restrictions on the use of the land, including easements, rights-of-way, jurisdictional wetlands areas, either assumed or confirmed, and zoning district lines.
9. Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the site or immediately adjacent to it, including the location and size of the nearest water and sewer lines.
10. Topographic map, both existing and proposed, of the site to be developed. Existing contours shall be based on mean sea level (MSL), USGS datum and shall be identified by dashed lines. Proposed contours shall be identified by solid lines. Both data shall be shown at one-foot contour intervals. Assumed datums shall not be acceptable.

11. Proposed layout of streets, blocks, lots, location of all driveways within 660 feet of the entrance(s) to the proposed subdivision, stormwater management areas, easements, and preliminary site drainage system including proposed surface drainage pattern.
12. Number of lots, building type contemplated, indication of utilities to be provided, and any zoning changes, easements, or deed restrictions.
13. Proposed parks, playgrounds, and other common areas.
14. Site location map related to the town limits.
15. Typical lot detail identifying lot width and depth, lot area, all setback requirements, and general structure placement and driveway location.
16. Tabular data block including total site acreage, acres of the site in wetlands, acres of the site in water bodies, area and delineation of the site within the 100-year flood zone as identified by FEMA, total number of lots, acres in stormwater management, and acres of site in common area, open space and recreation use.

(C) *General Procedure.* Processing of the preliminary subdivision plan shall be as follows:

1. *Distribution:* Copies of the PSP and all attachments shall be distributed to members town staff and other appropriate persons for review in a pre-application conference, to be scheduled by the development director. A qualified engineering professional representing the owner or developer of the property shall be present at the pre-application conference.
2. *Review:* The development director and other persons to whom the PSP has been submitted shall review the PSP for accuracy, content and consistency with the requirements of the Comprehensive Plan, the design standards as set forth in this Code, and all other applicable provisions established by this Code. The development director will enumerate specific conditions for final approval of the proposed subdivision. All comments made during the review process will, in the opinion of the development director, be adequately addressed before approval of the certified subdivision plan.

(Ord. No. 04-30, § 1, 4-13-04; Ord. No. 07-18, § 1, 9-11-07; Ord. No. 12-12, § 1, 2-14-12)

#### 7.01.07. - Certified subdivision plan.

The purpose of the certified subdivision plan (CSP) is to allow town staff to perform a technical review of all proposed site improvements, and shall be the basis upon which the final plat is prepared. The CSP shall be submitted after review of the preliminary subdivision plan. It shall incorporate all changes required as a result of the staff review.

The CSP shall consist of complete working drawings and design specifications, shall provide the town with complete design and construction information, and shall be the basis for evaluating the quality and completeness of the proposed engineering design, compliance with all applicable regulations of the town, the establishment of a construction schedule, and site improvement permitting.

The CSP shall be substantially similar to the PSP and shall be drawn to a scale of not more than one inch = 50 feet. The size of sheets shall be 24 inches by 36 inches and shall contain, in addition to the data provided on the PSP, the following:

1. Name, address, and seal of registered engineer and surveyor responsible for the plan and accepted data.
2. All existing fire hydrants, underground and aboveground utilities on or adjacent to the proposed subdivision.
3. All existing streets on or adjacent to the tract, including name, functional classification, right-of-way width and pavement width. Existing streets shall be dimensioned to the tract boundaries. All

subdivisions shall have safe and adequate access and no subdivision shall have access or frontage on a substandard street.

4. Existing and proposed contours shown at not more than one-foot intervals and shall be extended a minimum of 100 feet beyond the boundaries of the proposed plat. If deemed necessary, additional spot elevations may be required by the appropriate town staff. USGS datum shall be used with benchmarks shown on the plan.
5. Site design, including streets with proposed street names and functional classification, lot lines, utility access and service easements. Typical roadway cross-section and profiles shall be provided, including all information for street and sidewalk construction. Roadway profiles shall display existing and proposed underground construction along the street centerline. Stationing data shall be at intervals of no less than 50 feet. Accompanying these data shall be a permit or permits from the jurisdictional permitting agency or agencies approving any access to state, county, or local roadways.
6. Natural features within and adjacent to the proposed plat, including drainage channels, bodies of water, wetlands, wildlife habitat, and other significant features. Jurisdictional wetlands shall be clearly delineated and surveyed, signed and sealed by a registered land surveyor. On all watercourses leaving the tract the direction of flow shall be indicated, and for all watercourses entering the tract the approximate drainage area and watershed name above the point of entry shall be noted.
7. Identification and designation of any portion of the site within the 100-year floodplain, based on calculations recognized by FEMA as the most recent and accurate available. Where a portion of the site is known or suspected to be within the 100-year flood area, and a FEMA report or town floodplain overlay is not sufficiently precise, an engineering analysis shall be required. Such analysis shall be performed by a registered engineer.
8. All information needed to construct drainage and stormwater management facilities, including complete cross sections and complete calculations based on design criteria established in relevant sections of this Code, including on-site, positive and final outfall. This information shall be signed and sealed by a registered engineer. Accompanying these data shall be a permit or permits from the required permitting agency or agencies approving the proposed stormwater management system.
9. Utilities plan, detailing public and private water and wastewater treatment facilities, wastewater effluent reuse lines, location of lines, valves, pumps, fire hydrants, manholes, pump stations and other data as set forth in relevant sections of this Code. Accompanying these data shall be all required permits by authorized permitting agencies approving the utilities plan.
10. Public facilities existing or to be located within the plat boundaries or within 100 feet of the proposed plat including streets, bridges, culverts, utility lines pipelines, power transmission lines, all easements, public and/or common areas including park areas, structures and other public structures and facilities.
11. Notes to be placed on the final plat which indicate arrangements for ownership and/or maintenance of drainage facilities or other common property or facilities. In the event the plat includes open space, clubhouses, playgrounds or other amenities to be owned and used in common by residents of the development, a plat note shall be added requiring the creation of a homeowners or property owners association which shall be responsible for such facilities.

(A) *General procedure*

- (1) Six copies of the CSP shall be filed with the development director's office, which will distribute copies to appropriate town staff.
- (2) The CSP shall be reviewed in terms of the following criteria:
  - a. completeness and substantial compliance with the approved PSP;

- b. degree of compliance with the technical requirements set forth in applicable articles of this Code, and other town regulations;
- c. suitability of proposed street names (the town commission shall have the authority to approve or disapprove any street name);
- d. deficiencies or issues which require further attention.

(3) Upon completion of the staff review, the development director shall report all review comments and recommendations to the town commission. Following its own review the town commission shall either approve the CSP or disapprove with reasons stated. The action of the town commission shall be forwarded in writing to the subdivider or his authorized representative.

Should any adverse review comment or recommendation be made by the town commission which may require a revision of the proposed CSP, the development director shall so notify the subdivider or his authorized representative, so that necessary revisions may be made for reconsideration at the applicable step within the review process.

(B) *Effect of certified subdivision plan.* Upon approval of the certified subdivision plan, the applicant may proceed with permitting for installation of improvements. Improvements shall include tree removal, clearing and grubbing, installation of streets and utilities and installation of stormwater management systems. Stormwater management facilities, in particular, shall be constructed for the entire area of the plan regardless of any phasing plans relative to final plat recording. Also, any amenity, either required or proposed, shall be completed in the first phase of development if phasing is proposed. No residential building permit shall be issued until the final plat has been accepted by the town and recorded with the Clerk of the Circuit Court for Polk County, except where approval has been given for residential units as models. Final certificates of occupancy for models shall not be issued until the final plat has been accepted by the town and recorded with the Clerk of the Circuit Court for Polk County.

Certified subdivision plans shall remain valid for one year from the date of approval. Extensions for approval may be granted for a single period up to six months from the date the plan would otherwise expire. An extension may be granted if the development director concludes that the owners or successors of the CSP have proceeded with due diligence and in good faith and the conditions have not changed substantially as to warrant a new application. All such requests for extensions shall be submitted in writing not less than 30 days before the expiration of the CSP, stating the reason for the time extension request. Upon expiration of a CSP, municipal services allocated thereto shall be forfeited.

(C) *Amendment of certified subdivision plan.* Any amendment, variation or adjustment of a certified subdivision plan shall require approval of an amendment according to the following:

*Major amendment:* Submission for review and approval by the town commission.

*Minor amendment:* Submission for review and approval by the development director.

The development director shall determine whether a proposed plan amendment is a major amendment or a minor amendment. The determination shall be based on, but not limited to the following: any substantial change to the CSP, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the plan; any proposed minor changes in configuration or similar changes shall be considered a minor amendment to the plan. The development director may, at his discretion, forward any application for plan amendment to one or more individuals for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.

(Ord. No. 04-30, § 1, 4-13-04; Ord. No. 04-120, § 1(Exh. A), 12-14-04; Ord. No. 05-99, § 1(Exh. A), 1-10-06; Ord. No. 07-18, § 2, 9-11-07; Ord. No. 12-12, § 1, 2-14-12)

7.01.08. - Final plat.

The intent of the final plat is to establish a legal record of the plat. Whenever the provisions of this Code have been complied with and while the approval of the certified subdivision plan is in effect, the applicant shall submit the final plat for approval and recording. The final plat shall conform substantially to the approved CSP and, at the option of the subdivider, may constitute only that portion or phase of the approved CSP which is proposed to be recorded at that time.

Final plat approval is required prior to the issuance of any building permits within the subdivision. Following approval by the town commission, the plat shall be forwarded by the town clerk to the Board of County Commissioners of Polk County for review and approval in accordance with county procedures. The original plat shall then be submitted to the clerk of the circuit court for recording within the public records of Polk County.

- (A) *General procedure.* The applicant shall submit the original mylar, along with eight copies of the plat. The development director, town attorney, and other town staff as appropriate, shall determine the completeness of the final plat and compliance with the CSP. They shall verify the accuracy of information provided, and evaluate the degree of compliance with the technical requirements as established in this Code and other applicable town and state requirements. All staff reviewing the plat shall, upon completion of their review, forward their recommendations to the town commission, recommending approval or denial of the final plat.

Following its own review, the town commission shall either approve the final plat or disapprove with reasons stated. The action of the town commission shall be forwarded in writing to the subdivider or his authorized representative.

Should any adverse review comment or recommendation be made by the town commission which may require a revision of the proposed final plat, the development director shall so notify the subdivider or his authorized representative, so that necessary revisions may be made for reconsideration by the town commission.

Upon plat approval, and with certification that a final inspection of the improvements has been made and approved, or an acceptable financial guarantee has been provided for the satisfactory completion of the improvements, the final plat mylar shall be forwarded to the town clerk for signature. Upon signature by all designated staff and the mayor, the applicant shall be notified that the plat is complete and may be recorded at the office of the Clerk of the Circuit Court for Polk County.

- (B) *Submittals.* The final plat shall conform with F.S. ch. 177, and shall be clearly and legibly drawn, in ink, on mylar, to a scale of not more than one inch equals 100 feet. The overall sheet size shall be consistent with the standards established by the Clerk of the Circuit Court for Polk County for recording. Where the final plat of a proposed subdivision requires more than one sheet, each sheet shall be keyed to a master map with appropriate marks of identification. Each sheet shall be provided with a one-inch margin on each of three sides and a three-inch margin on the left side of the plat for binding purposes.
- (C) *Plat data requirements.* Information required on the final plat shall include:
1. Name of plat.
  2. Location of the plat by U.S. Survey System and political subdivision, including section, township, range, county and state.
  3. Names of existing streets abutting or giving access to the proposed plat.

4. All plat boundaries based on an accurate transverse, with all angular and linear dimensions shown. Error of enclosure of such boundary survey shall not exceed one foot for each 10,000 feet of perimeter survey.
5. All blocks, lots, street crosswalks, easements and waterways, within and adjacent to the plat, all of which shall have angular and linear dimensions given at all radii, internal angles, bearings, points of curvature, tangents, and lengths of all curves so that no dimensions or data are missing which are required for future location of any of the corners or boundaries of blocks, lots, or streets as listed above. When any lot or portion of the plat is bounded by an irregular line, the major portion of that lot or plat shall be enclosed by a witness line showing complete data, with distances along such lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or a more or less if variable. All dimensions shall be given to the nearest hundredth of a foot. True angles and distances shall be drawn to the nearest established official monuments, not less than three of which shall be accurately depicted on the plat. The intended use of all easements shall be clearly stated.
6. Curvilinear lots shall show arc distances and radii, chord, and chord bearings. Radial lines shall be so designated. Direction of nonradial lines shall be so indicated.
7. Sufficient angles and bearings shall identify the direction of all lines and shall be shown to the nearest second.
8. All rights-of-way centerlines shall be shown with distances, angle bearings or azimuth, points of curvature, points of tangency, points of reverse curvature, points of compound curvature, arc distance, central angles, tangents, radii, chord, chord bearings or azimuth, or both.
9. All easements or rights-of-way provided for public services or utilities, and limitations of such easements.
10. All lot numbers and lines. Lot lines shall be marked with accurate dimensions in feet and hundredths of feet, and bearings or angles to street lines.
11. Accurate descriptions of any areas to be dedicated or reserved for public use with the purpose indicated thereon.
12. Title, date of survey, graphic scale of map and north arrow. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend.
13. Permanent reference monuments shall be placed in accordance with the requirements of the town.
14. Each plat shall show a description of lands platted and the description shall be the same in the title certification. The description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
15. The clerk of the circuit court certificate and the land surveyor's certificate and seal.
16. All section lines and quarter section lines occluding in the plat shall be indicated by lines drawn on the plat with appropriate words or figures. If the description is metes and bounds the points of beginning shall be indicated together with all bearings and distances of the boundary lines. If the platted lines are in a land grant or are not included in a subdivision of government surveys, the boundaries shall be so defined by metes and bounds and courses. The point of beginning in the description shall be tied to the nearest government corner, or other recorded or well established corner.
17. All contiguous properties shall be identified by plat title, plat book and page or, if unplatted, land shall be so designated. If the area platted is a replatting of a part or the whole of a previously recorded plat, sufficient ties shall be shown to the controlling lines appearing on the earlier plat to permit an overlay to be made, and reference to the platting shall be so stated as a subtitle following the names of the plat wherever it appears on the plat.



18. All lots shall be numbered either by progressive numbers or, if in a block, progressively numbered or lettered in each block, except that in blocks in numbered additions bearing the same name, may be numbered consecutively throughout the several additions.
  19. Park and recreation parcels shall be so designated.
  20. All interior excepted parcels shall be clearly indicated and labeled "Not A Part Of This Plat."
  21. The purpose of all areas dedicated must be clearly indicated or stated on the plat.
  22. When it is not possible to show curve detail information on the plat, a tabular form may be used.
  23. Town signature spaces for the mayor, town clerk, town engineer, and the chairman of the planning and zoning board.
- (C) *Plat documentation requirements.* The following documentation shall accompany the final plat:
1. A title opinion by an attorney at law, licensed in Florida, or a certification by an abstractor or title company stating that the court records identify that the title of the land as described and shown on the plat is in the name of the person or persons or corporation executing the dedication. In addition, a document entitled, "Consent to Platting of Lands and Partial Release of Mortgage," shall be filed together with the final plat for each person or corporation holding a mortgage on all land included on the plat, where such person or corporation has not signed the final plat.
  2. Certification by a registered land surveyor that the plat represents a survey made by that individual and, further, that all necessary monuments, lot sizes and lot dimensions are correctly shown thereon. Impressed thereon, and affixed thereto, shall be the personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the plat was prepared.
  3. Certification that all real estate taxes have been paid.
  4. Every plat for a subdivision filed for record shall include any required dedication by the applicant. The dedication shall be executed by all owners having a record interest in the land being platted in the same manner in which deeds are executed. All mortgagees having a record interest in the land platted shall execute, in the same manner as deeds are executed, either the dedication contained on the plat or in a separate instrument joining in the ratification of the plat and all dedications and reservations thereon in the form of a consent to plat from all mortgage interests acceptable to the town attorney. When a tract or parcel of land has been platted and a plat thereof bearing the dedication executed by the developer and approved by the town has been secured and recorded in compliance with this section, all streets, easements, rights-of-way, and public areas shown on the plat, unless otherwise stated, shall be determined to have been dedicated for public uses and purposes stated thereon, notwithstanding any separate action by resolution of the town commission to formally accept such offers of dedication.
  5. Any existing or proposed private restrictions and trusteeships and their periods of existence shall be filed as a separate instrument, and reference to such instrument shall be noted on the final plat.
  6. Three prints of as-built drawings showing the improvements that have been constructed according to the certified subdivision plan and a copy of the financial guarantee for completion of required improvements shall be filed with the town engineer prior to plat recording.

(Ord. No. 04-30, § 1, 4-13-04; Ord. No. 12-12, § 1, 2-14-12)

7.01.09. - Construction prior to platting.

Construction of streets, drainage facilities, and/or other subdivision improvements prior to actual platting shall be permitted only upon specific application therefor and upon specific approval by the town commission. In granting any such approval, the town commission may impose such conditions, restrictions, and/or time schedules as may be deemed necessary in the public interest.

(Ord. No. 04-30, § 1, 4-13-04; Ord. No. 12-12, § 1, 2-14-12)

7.01.10. - Bond required.

If at the time of application for final plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond in an amount estimated as sufficient to secure to the Town the satisfactory construction, installation and dedication of all required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required by these regulations. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the town attorney as to form, sufficiency and manner of execution as set forth in these regulations. An acceptable guarantee for required improvements may take one of the following forms, subject to the approval of the town engineer and the town attorney.

- (A) Performance bond issued by a surety company authorized to do business in the State of Florida.
- (B) An irrevocable letter of credit written by a bank chartered by the State of Florida, or the US government, and acceptable to the town manger. The letter of credit shall include, among other things, an expiration date not earlier than one year from the date of issuance; a provision required by the issuer of the letter of credit to give at least 30 days' notice to the town prior to the expiration or renewal of the letter of credit; and a provision that the letter of credit is automatically renewed for a period of time equaling its original term if the required notice is not given.
- (C) Escrow deposit. The period within which required improvements must be completed shall be specified by the town commission as part of the approval action on the final plat and shall be incorporated in the bond and shall not in any event exceed two years from date of final town approval. The town commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the town attorney.

(Ord. No. 04-120, § 1(Exh. A), 12-14-04; Ord. No. 12-12, § 1, 2-14-12)

7.01.11. - Construction inspection.

The town shall provide for periodic inspection of required improvements during construction to ensure their satisfactory completion. If it is found that any of the required improvements have not been constructed in accordance with the town's construction standards and specifications, the subdivider shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

(Ord. No. 04-30, § 1, 4-13-04)

7.01.12. - Acceptance of required improvements.

Approval of the final plat shall not constitute acceptance of any area or facilities offered by said plat for dedication to the Town of Dundee. The town commission shall not accept dedication of required improvements nor release nor reduce a performance bond until the town is satisfied that all required improvements have been properly completed and until the engineer or subdivider has certified, through submission of a detailed "as-built" survey plat of the subdivision indicating location dimensions, materials,

and other information required by the town, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the town attorney indicating that the improvements shall have been completed, are ready for dedication to the town and are free and clear of all liens and encumbrances. Upon such approval and recommendation, the town commission shall thereafter accept the improvements for dedication in accordance with the established procedure.

(Ord. No. 04-30, § 1, 4-13-04; Ord. No. 12-12, § 1, 2-14-12)

### **DISCUSSION ITEM**

Staff will present information regarding the content of the bonding language and the subdivision platting process found in Sections 7.01.08 – 7.01.12, 7.09.09 and Code of Ordinance 54-7 of the Land Development Code. Staff asked the Planning and Zoning Board to review the sections and ordinance provided in this document. Any changes may not be limited to the above sections and code.