

the land area of such lot; however, the community development director may consider other factors in making such determination.

(b) A property owner shall apply to the city for a minor lot adjustment on an application form, promulgated by the community development director, stating their plans for development of the adjusted lots and providing the following minimum submittal requirements:

- (1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.
- (2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.
- (3) A listing of the names and addresses of the record owners abutting subject property.
- (4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot adjustment) and as proposed (i.e., after the proposed lot adjustment), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements and easements thereon.
- (5) Proposed legal instruments creating and granting proposed easements, conditions and restrictions upon the proposed lots as adjusted.
- (6) A title opinion from a licensed attorney or title certificate from a title company certified to the city showing the owner-

ship, easement, mortgage, and other lien and encumbrance information for the existing lots or parcels.

(c) Minor lot adjustment procedure. Once the application is determined to be complete, the development review committee shall review the request for compliance with the code and providing necessary easements and access for public services and utilities (e.g. compliance with lot dimensions requirements, setbacks for existing buildings, easements, legal access, etc.). The city may condition the minor lot adjustment upon the recording in the Orange County public records legal instrument(s), in a form acceptable to the city, showing the new boundaries of the lots created by the minor lot adjustment and creating any easements, conditions and restrictions upon the lots necessary for the orderly and proper development of the lots. Upon review by the development review committee, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the community development director, for approval, approval with conditions or disapproval.

(d) If the community development director determines that an easement or right-of-way is necessary for the subject property, the applicant must provide a proper and satisfactory executed deed of easement or right-of-way as a condition of the effectiveness of any minor lot adjustment approval.

(e) The community development director may require an applicant to follow the standard subdivision procedure contained in this chapter if the community development director determines that the summary procedure is being utilized by an applicant in order to defeat the objectives of subdivision requirements or the summary procedure would be inadequate to address matters presented by the application that could be more adequately addressed through the platting or replatting procedure.

(Ord. No. 19-32, § 4, 6-27-19)

Secs. 110-99—110-120. Reserved.

DIVISION 3. PRELIMINARY PLAT**Sec. 110-121. Pre-application procedure.**

(a) Prior to the filing of an application for conditional approval of the preliminary plat, the subdivider shall submit to the planning and zoning department plans and data as specified in section 110-122. This step does not require formal application, a fee (except as provided pursuant to chapter 88 of the Code) or the filing of a plat with the planning and zoning department.

(b) After review by the city staff of the plans and data submitted by the subdivider, the city planner shall schedule a pre-application meeting with the subdivider and shall inform the subdivider as to those portions of the plans and data as submitted or as modified which do or do not meet the objectives of this chapter. When the planning and zoning department finds the plans and data do not meet the objectives of this chapter or additional information is warranted, it shall express its reasons therefor and indicate the information necessary.

(Ord. No. 04-19, § 2(Exh. A), 6-10-04)

Sec. 110-122. Pre-application plans and data required.

(a) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in this section. This information may include data on existing covenants, land characteristics, and available community facilities and utilities and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

(b) The location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Included in this map shall be the development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal

places of employment; other community features such as railroad stations, airports, hospitals and churches; title; scale; north arrow; and date.

(c) The sketch plan or topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include either the existing topographic data listed in subsections 110-124(1) through (12) or such of the data as the planning and zoning department determines is necessary for its consideration of the proposed sketch plan.

(Ord. No. 04-19, § 2(Exh. A), 6-10-04)

Sec. 110-123. Procedure for conditional approval of preliminary plat.

(a) Upon completion of the pre-application meeting required by section 110-121 and reaching conclusions regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat, signed and sealed by a professional engineer licensed by the state of Florida and which is at a scale of 100 feet to one inch or larger, together with improvement plans, and other supplementary material which, at a minimum, depicts, shows, identifies, or otherwise provides the information as specified in section 110-124.

(b) Three copies of the preliminary plat, improvement plans, and supplementary material specified in subparagraph (a) above shall be submitted to the city planner along with written application for conditional approval of the preliminary plat.

(c) Following a review by the city staff of the preliminary plat and other materials submitted for conformity to this chapter, the negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and after the subdivider has addressed the city staff's comments and provided any requested additional information or materials, the city planner shall place the subdivider's request for conditional approval of the preliminary plat, as submitted or

as modified, on the next available planning and zoning board agenda. Thereafter, the planning and zoning board shall consider said request and act thereon. If approved, the planning and zoning board shall express its approval as a conditional approval and shall state the conditions of such approval, if any, or if disapproved shall express its disapproval and its reasons therefor.

(d) The action of the planning and zoning board shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other copy shall be retained by the director of planning.

(e) Conditional approval of a preliminary plat shall not constitute approval of the final subdivision plat, nor be considered authorization to begin construction. Approval of a preliminary plat shall not constitute a guarantee or warranty, either implied or otherwise, that all other applicable codes and ordinances of the city have been complied with by the subdivider. It shall be the responsibility of the subdivider to ensure that all applicable requirements of the city relative to the subdividing and development of property have been met. Rather, conditional approval of the preliminary plat shall be deemed an expression of approval as to the layout submitted on the preliminary plat and as a guide to the preparation of the final plat and construction plans, which will be submitted for approval of the planning and zoning board and the city commission and for recording upon fulfillment of the requirements of this chapter and the conditions of the conditional approval, if any. Conditional approval of a preliminary plat shall expire 12 months from the date of such approval, unless final infrastructure construction plans have been approved and all construction permit fees and impact fees required by code have been paid. Upon request for an extension of the expiration of a conditional approval of a preliminary plat and subject to approval by the planning and zoning board thereof, an extension of six months of the expiration of a conditional approval of a preliminary plat may be obtained. (Ord. No. 04-19, § 2(Exh. A), 6-10-04)

Sec. 110-124. Preliminary plat; application, supplementary materials, contents and data required for conditional approval.

The preliminary plat, application, and other materials required by subparagraphs (a) and (b) of section 110-123 shall, where applicable, include existing conditions and proposals, include notes whenever possible to explain, verify or identify additional information that is important to the understanding of the site and the plan of development, and, at a minimum, depict, show, identify, or otherwise provide the following information:

- (1) *Boundary lines.* Bearings and distances of boundary lines.
- (2) *Easements.* Location, width and purpose of existing and proposed easements and rights-of-way.
- (3) *Streets on and adjacent to the tract.* Identification of existing and proposed streets on and adjacent to the tract to be subdivided, including: the name, right-of-way width and location; approximate grades and gradients; cross-sections of typical road sections; type, width and elevation of surfacing; and legally established centerline elevations, walks, curbs, gutters, culverts, etc. Locations of all median openings in the vicinity and access points on both sides of all abutting roadways must also be shown. If applicable, similar information for alleys must be provided.
- (4) *Utilities on and adjacent to tract.* Identification of existing and proposed utilities on and adjacent to the tract to be subdivided, including: the location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; and location of gas lines, fire hydrants, electric and telephone poles, and streetlights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of the nearest ones, showing the invert elevation of sewers.

- (5) *Ground elevations.* Ground elevations on the tract based on U.S. Coastal and Geodetic Survey datum level for land that slopes less than approximately two percent, show spot elevations at all breaks in grade, along all drainage channels or scales, and at selected points not more than 100 feet apart in all directions. For land that slopes more than approximately two percent either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
- (6) *Other conditions on tract.* Existing and proposed watercourses, marshes, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks and other significant features on and adjacent to the tract to be subdivided.
- (7) *Other conditions on adjacent lands.* Approximate direction and gradient of grounds slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatte land; for adjacent platted land refer to subdivisions plat by name, recordation date, and number, and show approximate percent of buildup, typical lot size and dwelling type.
- (8) *Photographs.* Photographs of the tract to be subdivided may be provided, along with a key map and key numbers indicating camera location and directions of views. The date the photographs were taken shall be provided.
- (9) *Zoning.* Zoning on and adjacent to the tract to be subdivided.
- (10) *Proposed public improvements.* Proposed public improvements, highways or other major improvements planned by public authorities for future construction on or near the tract.
- (11) *Key plan.* Key plan, showing location of the tract.
- (12) *General information.* Present tract designation according to official records in office of appropriate recorder including a complete legal description and tax identification of the lands to be subdivided; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, legend, benchmarks, certification of registered civil engineer or surveyor, date of survey. Also include a vicinity map showing relationship between area proposed for development and surrounding properties, streets and public facilities (at a scale of not less than one inch equals 2,000 feet).
- (13) *Lots, blocks.* The proposed lot lines, lot numbers and block numbers shall be shown.
- (14) *Public sites, if any.* Identification of the location, size, and purpose of all public sites, if any, to be reserved, conveyed or dedicated for or to the city or public, including, but not limited to, parks, playgrounds, or other public uses.
- (15) *Sites, if any.* For multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- (16) *Setbacks.* Minimum building setback lines from side, front and rear and bufferyards shall be shown; also, include typical cross-section of bufferyards.
- (17) *Site data, including number of residential lots.* Typical lot size, and acres in parks, etc.
- (18) *Private sites, if any.* Identification of the location, size, and purpose of all nonpublic or private sites, if any, including, but not limited to, private roads, drainages

systems, recreational facilities, outparcels, gates and guardhouses (if a gated community is indicated), and common areas.

- (19) *Limits of floodplain.* Indicate flood elevation of 100-year flood as established by the Federal Flood Insurance Administration and as supplemented by the current flood insurance rate map. The actual acreage above the 100-year flood elevation, plus the area below the antecedent water level shall be listed numerically. Useable lot area shall be clearly delineated.
- (20) *Dedication and reservations.* All parcels of land proposed to be dedicated or reserved for public use, such as roads, easements, parks, sidewalks, bike or pedestrian trails, shall be indicated on the plat.
- (21) *Fees and deposits.* Payment of required fees, deposits and costs as may be applicable or required pursuant to the code, and other applicable laws, ordinances, and regulations.
- (22) *Other preliminary plans.* When required by the planning and zoning department, the preliminary subdivision plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway, sidewalk; pedestrian and service easement and preliminary plan for proposed sanitary and stormwater sewers with grades and sizes indicated. All elevations shall be based on a U.S. Coastal and Geodetic Survey datum plane.
- (23) *Boundary survey.* A boundary survey of the lands to be platted performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city.

(Ord. No. 04-19, § 2(Exh. A), 6-10-04)

Sec. 110-125. Waiver.

The community development director may waive the preliminary plat requirements of this division, or any part thereof, for subdivisions creating less than three lots or any replat of nonconforming lots making such lots conforming to the code or mitigating nonconformities to the code.

(Ord. No. 19-32, § 5, 6-27-19)

Secs. 110-126—110-150. Reserved.

DIVISION 4. FINAL PLAT*

Sec. 110-151. Procedure for approval.

(a) The final subdivision plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided that such portion conforms to all requirements of this chapter. Provided, however, that the city commission may authorize minor adjustments to street and alley alignments, length, and lot lines where the city commission determines such adjustments are consistent with the intent and general layout of the approved preliminary plat. Where the final plat deviates from the approved preliminary plat to the extent that the city commission find such deviation to be significant and not consistent with the intent and general layout of the approved preliminary plat, such final plat shall not be approved until it reflects the originally approved preliminary plat, or a new preliminary plat has been approved in accordance with the preliminary plat provisions of this article.

(b) After obtaining conditional approval of the preliminary plat, six copies of the final plat and supplementary material specified in this chapter shall be submitted to the community development director, along with an application

*Editor's note—Ord. No. 13-12, § 2, adopted March 14, 2013, amended division 4 in its entirety to read as herein set out. Former division 4, §§ 110-151, 110-152, pertained to similar subject matter, and derived from Ord. No. 04-19, § 2(Exh. A), 6-10-04; Ord. No. 06-08, §§ 4, 5, 3-9-06.

for final plat approval, for review by the city surveyor, city attorney, and development review committee (DRC).

(c) Following a review by the city surveyor, city attorney and DRC of the application, final plat and other materials submitted for conformity to this chapter and such other requirements of the code or law as may be applicable, the negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the completion of all necessary actions by the subdivider as may be required by the code or applicable law and after the subdivider has addressed the city surveyor's, city attorney's and DRC's comments, and provided any requested additional information or materials, the community development director shall place the subdivider's request for final plat approval, as submitted or as modified, on the next available city commission agenda.

(d) Thereafter, the city commission shall consider the final plat for final approval and take such action as the city commission deems appropriate, which may include approval, approval with conditions, or denial.

(e) Subject to approval of city commission and any conditions imposed thereby, the city attorney shall cause to be recorded in the public records of Orange County, Florida, the final plat and such other documents as may be required, at the expense of the subdivider.

(f) Notwithstanding anything to the contrary, the city commission shall not approve a final plat of any subdivision unless the subdivision improvements required by these regulations have been installed in accordance with the standards and specifications of the Code and the appropriate officials and agencies and their approval has been certified to city or a surety bond or irrevocable letter of credit has been furnished in favor of and acceptable to the city in the amount of one hundred twenty percent of the contract cost of the required subdivision improvements to be completed.

(g) At no time prior to the final plat approval by the city commission and recording the final plat in the public records shall an owner of real

property convey a portion of any lot, parcel or tract of land, unless such owner has otherwise received proper lot split or subdivision approval from the city creating a separate legal lot, parcel or tract. It is not a violation of this subsection to convey a partial undivided interest in an overall parent lot, parcel, or tract, such that there are

multiple owners of the overall parent lot, parcel or tract. In addition to any other rights and remedies under the code, at law and in equity the city may have for a violation of this subsection, the city shall have the right to not process, withhold and revoke any and all certificates of occupancy, building permits and development orders concerning any unauthorized lot split or subdivision, including for the unauthorized lot, parcel or tract created and the parent lot, parcel or tract for which the unauthorized lot, parcel or tract was created.

(Ord. No. 13-12, § 2, 3-14-13)

Sec. 110-152. Final plats; application, supplementary materials, documentation, contents and data required for final approval.

The final plat, application, and other materials required by subparagraphs (b) and (c) of section 110-151 shall, where applicable, at a minimum, comply with and include the following:

- (1) Unless otherwise provided for in this article, the final subdivision plat shall comply with the requirements of F.S. Ch. 177, as may be amended from time to time. The final subdivision plat shall be drawn in ink on tracing cloth on sheets as required for filing for record in the county and shall be at a scale of 100 feet to one inch or larger. Where more than one sheet must be used to accurately portray the lands subdivided, an index or key map must be included and each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning and zoning board. In addition to the requirements of F.S. Ch. 177, referenced above, the final plat shall show, depict, or otherwise provide for the following:
 - a. Primary control points, approved by the city engineer, or descriptions and ties to such control points, to which

all dimensions, angles, bearings, and similar data on the plat shall be referred.

- b. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles; and radii, arcs and central angles of all curves.
- c. As applicable, the exact location, dimensions, name, identification, purpose, and description of public streets, private roadways, public and private alleys, rights-of-way, waterways, tracts, common areas, parks, public and private areas, playgrounds or other similar uses, reservations, easements or rights-of-way, blocks, lots and significant sites within the subdivision, with accurate dimensions, bearing or deflecting angles and radii, area and central angles, chord bearing and distance, tangent distance and length of all curves where appropriate. All interior excepted parcels as described in the description of the lands being subdivided shall be clearly indicated and labeled "Not a part of this plat."
- d. Location, dimensions and purpose of any proposed easements and existing easements identified in the title opinion or certification required by this article below shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances tied to the principal lot, tract, or right-of-way.
- e. Number to identify each lot or site. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the

- same name may be numbered consecutively throughout the several additions.
- f. Purpose for which sites, other than residential lots, are dedicated or reserved.
- g. The plat shall dedicate, in a form approved by the city attorney and in locations, size and dimensions acceptable to the public services department and city engineer, utility easements necessary to provide utility services to the lots and tracts within the subdivision. Such utility easements should be granted, at the city's option, either to the city or to the city and the public. The city's rights in such easement areas shall be superior to all others and no utilities or other improvements shall be permitted to conflict or interfere with the city's utility improvements within such utility easement areas. The city shall only be responsible for the maintenance of utilities it accepts and/or installs within utility easements. The plat shall not contain reservations of utility easements in favor of the developer or the HOA which could be used for the purpose of mandating, restricting or controlling the selection of utility service providers providing utility services to lots within the subdivision. The city shall have the authority to permit and regulate the use of utility easements dedicated on any plat to the city, the public or to the city and the public by utility service providers for utility purposes, including for the placement, operation, maintenance, replacement and repair of utilities. For the purposes of this article, the term "utility service providers" includes without limitation, entities providing water, sewer, reclaimed water, cable, internet, electric, gas, or telephone utilities or services.
- h. Location and description of monuments.
- i. Reserved.
- j. All contiguous properties shall be identified by subdivision title, plat book, and page, and date of recording, or, if unplatted, land shall be so designated. If the subdivision platted is a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a replat shall be stated as a subtitle under the name of the plat on each sheet included. The subtitle must state the name of the subdivision being replatted and the appropriate recording reference.
- k. Every plat offered for recording must be prepared by a Florida registered professional surveyor and mapper. The plat must be signed and sealed by that 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 of the survey requirements of F.S. Pt. I of Ch. 177, and chapter 110 of the Winter Garden Code of Ordinances. Every plat must also contain the printed name and registration number of the professional surveyor and mapper directly below the statement required by this paragraph, along with the printed name, address, and certificate of authorization number of the legal entity, if any. A professional surveyor and mapper practicing independently of a legal entity must include his or her address.
- l. Dedication of the plat to the public and the city for the uses and purposes stated thereon including in the plat notes by the owner or owners of record of lands to be subdivided. The dedication must be executed by all persons, corporations, or entities