

Article 7 - Subdivision Regulations

- 7.1 Purpose and Intent
- 7.2 Definitions
- 7.3 Application of the Regulations
- 7.4 General Requirements
- 7.5 The Concept Plat
- 7.6 The Preliminary Plat
- 7.7 The Construction Plans
- 7.8 The Final Plat
- 7.9 Conservation Subdivisions

7.1 Purpose and Intent

The following are the general policies of the city regarding the subdivision of land, as based on the adopted comprehensive plan:

- A. It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the orderly, planned, efficient and economical development of the community.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace; and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, potable water, sanitary sewerage, solid waste and other capital improvements such as schools, parks, recreation facilities, and transportation facilities; and the development meets the concurrency requirements of the Code.
- C. The existing and proposed public improvements shall conform to and be properly related to the capital improvements element of the comprehensive plan.
- D. It is intended that these regulations shall implement the Crescent City Comprehensive Plan and supplement and facilitate the enforcement of the provisions and standards contained in this Land Development Code and the respective building and housing codes.

7.2 Definitions

7.2.1 Use of Words and Interpretation

For the purposes of this Code, the following shall apply to the use of all words:

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number include the plural and words in the plural number include the singular.
- C. Words in masculine gender shall include the feminine and words in feminine gender shall include the masculine.
- D. The term "shall" is mandatory and not discretionary;

E. The word "may" is permissive;

F. Use of the word "and" is inclusive and requires that all of the component phrases so connected must be present or fulfilled for sufficiency; and

G. Use of the word "or" is not exclusive and requires that at least one of the component phrases so connected must be present or fulfilled for sufficiency. The word "or" may allow more than one component phrase to be present or fulfilled, as in "and/or".

H. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

I. When the title of building and zoning inspector is used, it shall be construed to mean the planning and building department director or designee.

J. Words not defined herein shall be construed to have their common meaning.

K. The word "City" refers to the official local government to identify Crescent City with incorporated land.

7.2.2 Definitions of Words and Phrases

Active Recreation. Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

Best Management Practices (BMPs). Structural devices to store or treat storm water runoff or non-structural programs or practices both of which are designed to prevent or reduce the pollution of the waters of the State Of Florida and provide other amenities.

Buffer. An area along the course of any watercourse or roadway to be maintained in an undisturbed and natural condition.

Buildable Area. Land area of a parcel, excluding Unbuildable Area.

Buildable Lot. The smallest lot area established by the City of Crescent City or Health Department on which a use or structure may be in a particular district.

Building Envelope. Area of a building lot identified on a subdivision plan indicating the allowed limits of clearing and grading, and within which all structures, and, when applicable, the well and septic systems, with the tank and leach field, shall be located.

Concept Plat. A drawing which shows the overall concept of a proposed development, as further defined in these regulations.

Conservation Easement. An easement which perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the City of Crescent City, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area

in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.

Conservation Subdivision. A subdivision approved in accordance with the applicable provisions and regulations, including those in Article 7, stated in this Code.

Conventional Subdivision. A subdivision design that is consistent with the provisions of the underlying Zoning Code and Subdivision Regulations that would be applicable in the absence of the provisions and regulations stated in this Article.

Easement. Legal authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.

Final Plat. A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certifications required by these Regulations and conforming to the Florida Plat Act.

Floodway. The channel of a river or other watercourse and the adjacent land areas subject to erosive velocities and damage from flood-borne debris that must be reserved to discharge the base flood (Intermediate Regional Flood), without ultimately increasing the water surface elevation more than one foot.

Golf Course. A tract of land laid out for at least nine holes for playing the game of golf and includes tees, greens, fairways, hazards, and structures such as a clubhouse and shelter.

Health Department. The Health Department of Putnam County, Florida.

Land Trust. A private non-stock, non-profit corporation that has as its purpose the preservation of open space land.

Lot. A portion of a subdivision, or any other tract or parcel of land, intended as a unit for transfer of ownership or for development or both.

Lot splits. Also called minor replat, the subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two (2) or more lots solely for the purpose of increasing the area of two (2) or more adjacent lots or parcels of land, where there are no roadways, drainage, or other required improvements, and where the resultant lots comply with the standards of this Code.

Minor replat. The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two (2) or more lots solely for the purpose of increasing the area of two (2) or more adjacent lots or parcels of land, where there are no roadways, drainage, or other required improvements, and where the resultant lots comply with the standards of this Code.

Open Space. A portion of a subdivision that has been set aside for permanent protection, or restricted or limited development. Activities within the open space may be restricted in perpetuity using an approved legal instrument.

Owner. A person having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

Passive Recreation. Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure may be permitted in connection with a particular passive recreational activity, if the building or structure facilitates an underlying passive recreational activity that requires the building or structure, and the addition of the building or structure does not qualitatively change the impact of the passive recreational activity on the natural features of the land on which the activity occurs. For example, the installation of restrooms, posts, signs, or water fountains along a hiking trail may not cause hiking to be deemed an active recreational use.

Person. An individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, estate, trust, business trust, receiver, syndicate, or other entity, group, or combination thereof, other than a State, County, municipality, or any agency, Commission, authority, or subdivision of the foregoing, acting singly or collectively for a common purpose, and the duly authorized agents thereof.

Plat. A map or drawing showing the subdivision, resubdivision, or recombination of land and any other features specified for a Plat in this Code.

Preliminary Plat. A drawing which shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a Preliminary Plat in the Code.

Qualified Wetland Scientist. A wetland scientist with current certification by the Society of Wetland Scientists Professional Certification Program as either a Professional Wetland Scientist or a Wetland Professional in Training.

Road. Used interchangeably with the word street.

Sketch Plat. Refer to "Concept Plat".

State Waters. Any and all rivers, perennial and intermittent streams, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, wet weather systems, and all bodies of surface or subsurface water, including any waters which are subject to the ebb and flow of the ocean tides, natural or artificial, lying within or forming a part of the boundaries of the State of Florida which are not entirely confined and retained completely upon the property of a single Person.

Street, Private. An access way, other than a driveway, like and having substantially the same or similar function as a public street, providing access to more than one property, but held in private ownership.

Street, Public. A right-of-way dedicated to and accepted by the local government for vehicular traffic including a prescriptive easement for public access and designated and numbered U.S. and State Highways. For purposes of these Regulations, the term "public street" shall be limited to those, which afford a direct means of vehicular access to abutting property, or those streets onto which residential property fronts, and exclude limited access highways which abut a property but from which direct access may not be allowed under any circumstances.

Subdivider. Any person dividing or proposing to divide land to constitute a subdivision as herein defined.

Subdivision. Any division or re-division of a lot, tract, or parcel, regardless of its existing or future use, into two (2) or more lots, tracts, or parcels. Where appropriate to the context, the term “subdivision,” also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

Unbuildable Area. The area in square feet, within a proposed subdivision which is comprised of State Waters; bodies of open water over 5,000 square feet contiguous area; or any portion of any required buffers for any of the foregoing natural feature. Other features include existing and proposed streets and highways, easements and rights-of-way for vehicular access, drainage, and utilities. Easements and rights-of-way shall maintain a defined width.

Wetlands. All wetlands, swamps, bogs, and waters that are subject to the U.S. Army Corps of Engineers’ (Corps) jurisdiction, and including without limitation, all areas that are not subject to the Corp’s definition, but are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and further including, without limitation, all hydric soils, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

7.3 Application of the Regulations

7.3.1 Subdividing Land

No tract of land within the City of Crescent City shall be subdivided without prior approval of the Crescent City Commission in accordance with this code, provided however the division of land into parcels of five (5) acres or more where no new street is involved is exempt from this requirement.

7.3.2 Minor Subdivision, Lot Splits, and Re-subdivision approval

A streamlined review process for smaller subdivisions and lot splits assures that new lots are buildable under the regulatory framework and access to a public road is appropriate, without placing an unnecessary review burden on the property owner.

Florida’s Plat Act, Chapter 177.011 F.S. establishes minimum requirements and provides local review of divisions of land that would otherwise be exempted from subdivision review. Where the proposed subdivision contains two (2) or fewer commercial lots having common access to existing public roads, or three (3) or fewer residential lots, division of land into two lots or parcels, the City Commission may approve, approve with conditions, or deny the application.

The following provision allows for a lot split under specified conditions:

1. Each proposed lot must conform to the requirements of the Code.
2. Each lot shall abut a fifty (50) foot public or private right-of-way and meet the required minimum lot width for the zoning district.
3. If any lot abuts a street right-of-way that does not conform to the design specification provided, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.
4. Where each proposed lot does not require new improvements for water, sewer, or drainage.

5. Once a minor replat has been approved, further division is restricted unless a development plan (or plat) is prepared and submitted for review.

Penalties for the illegal subdivision of property shall include, but are not limited to the following:

1. Prohibit issuance of building permits on illegally subdivided lots.
2. Seek an injunction requiring the illegal subdivision to be dissolved; or
3. Seek an injunction requiring the removal of any structures placed on the illegally subdivided lots.

7.3.3 Re-subdivision of Lots of Record

Where property consists of at least two (2), but less than four (4), residential single-family lots of record, and no new improvements for water sewer or drainage are required, the property owner may re-subdivide the lots within the parcel to provide for greater individual lot sizes. Such subdivision shall not increase the buildable density of the parcel nor decrease any lot size. To establish such re-subdivision, the property owner shall follow either the minor subdivision approval process or the standard subdivision approval process.

7.3.4 Recording a Plat

No plat of a Subdivision shall be recorded in the Office of the Clerk of the Court of Putnam County unless it has first been approved in compliance with the regulations of this Code.

7.3.5 Use of a Plat

The transfer of title or sale of land by reference to a plat of a subdivision that has not been approved by the City and properly recorded in compliance with the regulations set forth in this Code is prohibited and shall not be recognized or qualified as a Subdivision under this Code.

7.3.6 Erection of Buildings

No building permit shall be issued, and no building shall be erected on any subdivided lot within Crescent City unless that lot legally existed prior to the enactment of these Regulations, or unless that lot shall first have been created in accordance with the regulations set forth in this Code.

7.3.7 Dedication of Land and Facilities

No land or facilities shall be dedicated to the City of Crescent City for public ownership or use unless that dedication is made in accordance with the regulations set forth in this Code.

7.4 General Requirements

7.4.1 Suitability of the Land

Land subject to flooding, improper or inadequate drainage or erosion, if developed as proposed, and any land deemed unsuitable for development due to steep slopes, unsuitable soils, subsurface conditions, or other undesirable properties, shall not be subjected to development as a lot within a Subdivision for any uses that shall or may create or continue such conditions or increase danger to health, safety, life, or property. No land identified as unbuildable area or land within any delineated floodways shall be included within the Buildable Area of any Subdivision or included within any Lot of a Subdivision. In addition, no undisturbed buffer that is

required by any of the local development codes and ordinances in order to protect the health, safety and welfare of the community shall be included or within any Lot proposed for a Subdivision for any development.

7.4.2 Appropriateness of Location

The City Manager or designee, and the Planning and Zoning Commission should consider the following provisions when making a recommendation for approval of a subdivision:

- A. Whether the subdivision is suitable in view of the use and development of adjacent and nearby property.
- B. Whether the subdivision will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the land to be subdivided has a reasonable economic use as currently zoned and in its existing use.
- D. Whether the subdivision will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- E. Whether the subdivision is in conformity with the policy and intent of the Comprehensive Plan and/or the Land Use Plan.
- F. Whether there are other existing or changing conditions affecting the development of the property which give supporting grounds for either approval or disapproval of the subdivision.
- G. Whether the subdivision can be considered environmentally adverse to the natural resources, environment, and residents of the City of Crescent City.

7.4.3 Differences in Codes

Whenever there is a difference between minimum standards or requirements under the regulations set forth in this Code and those contained in any applicable zoning regulations, development regulations, building codes or other ordinances or regulations, the most restrictive shall apply.

7.4.4 Conformance with the Comprehensive Plan

All proposed subdivisions must conform to the adopted Comprehensive Plan of Crescent City.

7.4.5 Access

When land is subdivided into larger parcels than ordinary building lots, such lots shall be arranged and designed to allow for the opening of future streets and to provide access to those areas not presently served by streets. No subdivision should be designed to eliminate street access to adjoining parcels of land. Every development should be designed to facilitate access to adjoining properties, which are developed or anticipated to be developed in a manner compatible with or like the subject property. Locations of inter-parcel access shall be as required by and subject to the approval of the City. Private streets are discouraged, however if approved under the provisions of this Code, shall be constructed to the roadway standards of the City.

7.5 The Concept Plat

7.5.1 Purpose of Concept Plat

The purpose of a Concept Plat review is to provide a developer with an economical way to work with City staff in reaching a general agreement as to the nature of a proposed land subdivision project, its impact on the community, and its conformance with the codes, ordinances, plans, and policies. For the Concept Plat review, the developer will not need detailed architectural and engineering drawings.

7.5.2 Concept Plat Specifications

As a minimum, the following information and materials should be provided as a part of the Concept Plat application package:

- A. Two (2) copies of an accurate and up-to-date survey of the property proposed for subdivision.
- B. Two (2) copies of an appropriately scaled vicinity map showing the property in relation to the general area of the jurisdictional limits in which it is located.
- C. Two (2) copies of a schematic plat drawn clearly and accurately by a design professional at a scale appropriate for the nature of the project, to include:
 - 1. Scale, North Arrow, and Date of Preparation.
 - 2. Approximate Topography.
 - 3. All primary and secondary conservation areas.
 - 4. Significant Existing Man-Made Features on the Property.
 - 5. Proposed streets, lots, public areas, open spaces, greenbelts, buffers, amenity areas, and other significant proposed improvements.
 - 6. Zoning setbacks, and the approximate area of each lot.
 - 7. Any other features that will be important in the design and development of the project; and
 - 8. Any off-site improvements that may be needed to properly develop the property.
- D. Two (2) copies of the Stormwater Management Concept Plan
- E. Typical floor plans and elevations of the houses that are planned for the proposed subdivision;
- F. Electronic files of each of the above in a format acceptable to the City.
- G. A Concept Plat review fee.

7.5.3 Concept Plat Review Process

- Step 1: The developer of a proposed subdivision shall attend a preapplication meeting with the City Manager or the Development Review Committee to discuss what is required for Concept Plat approval in terms of documents, fees, and schedules.
- Step 2: The developer shall submit to the City Manager or designee a complete Concept Plat application package including all items specified under Section 7.5.2 of this Article, and any other matter appropriately required by the City.
- Step 3: The Concept Plat Application Package is carefully checked by the City Manager or designee to determine whether it is complete. If it is incomplete, it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2 and no additional fee will be required.
- Step 4: If the Concept Plat Application Package is complete, it will be accepted by the City Manager or designee and the date of acceptance will be noted. For every submittal, the City Manager or designated review authority shall have at least fifteen (15) working days for review and comments.
- Step 5: If the City Manager or designee concludes the Concept Plat is not acceptable, the Concept Plat shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2, and a new plat review fee will be required.

Step 6: If the City Manager or designee approves the Concept Plat, the developer will be authorized to proceed with the preparation of a Preliminary Plat that will be based on the approved Concept Plat and be in accordance with all conditions and agreements included in the action to approve the Concept Plat.

7.5.4 Concept Plat Certifications

A. Concept Plat, Owner's Certification

The following certification statement shall appear in the Concept Plat Application package:

I hereby submit this Concept Plat as the owner, or his authorized agent, of all property shown thereon.

Signature of Owner/Developer or Authorized Agent

Date

Name of Owner/Developer or Authorized Agent

Title

B. Concept Plat

The following certification statement shall appear in the approved Concept Plat Application package: This Concept Plat has been reviewed and approved by the City in accordance with these Regulations and other applicable development codes and ordinances. This approval expires in one (1) year from this date if the owner/developer fails to secure Preliminary Plat approval by that time.

City Manager or designee

Date

7.6 The Preliminary Plat

7.6.1 Purpose of Preliminary Plat

The purpose of a Preliminary Plat is to provide a review of a proposed subdivision at an intermediate point between the Concept Plat and a full set of Construction Plans. It is intended that this review will help ensure that the plans which are being prepared are in accordance with all applicable development codes and ordinances and with the conditions set forth in the approval of the Concept Plat.

7.6.2 Preliminary Plat Specifications

The Preliminary Plat for a subdivision shall be clearly and legibly drawn at a scale of not less than one hundred (100) feet to one (1) inch. The sheet size shall not exceed thirty-six (36) inches by forty-eight (48) inches, provided, however, a scale of two hundred (200) feet to one (1) inch may be used to avoid sheets in excess of thirty-six (36) inches by forty-eight (48) inches. The Preliminary Plat application package shall, at a minimum, contain the following:

- A. Proposed name of the subdivision.
- B. Names, addresses, and telephone numbers of the property owner of record and the developer or subdivider.
- C. Name, address, and telephone number of each professional firm associated with the preparation of the Preliminary Plat.
- D. Date of survey, North Arrow, and graphic scale.
- E. Subdivision location including land lot(s) and land district(s), area in acres, internal and abutting zoning, proposed number of lots with minimum lot size, and proposed phasing, if any.
- F. A location sketch or vicinity map positioning the subdivision in relation to the surrounding area regarding recognized permanent landmarks.
- G. Boundary lines of the overall property perimeter showing bearings in degrees, minutes and seconds and distances in feet and hundredths of a foot along all lines and the bearing and distances to an existing street intersection or other recognized permanent landmark. The source of boundary information shall be shown.
- H. Current field-run topography with mean sea level contours at intervals no greater than five (5) feet. The source of topographic information shall be shown.
- I. Accurate locations of all natural features such as lakes, ponds, streams, creeks, State Waters, wetlands, floodplain boundaries, riparian buffers, Wildlife and Priority Habitats (as identified by Department of Environmental Protection), and other significant features, and notations designating any federal, state, or local regulatory agency permits or approvals that are or may be required relative to development of or around such features. The source of floodplain information shall be shown. If applicable, the petitioner must provide a copy of the Wetland Delineation that has been approved by the US Army Corps of Engineers, or at a minimum, a delineation prepared by a qualified wetland scientist.
- J. Primary and Secondary Conservation Areas
- K. Approved Stormwater Management Plan
- L. Accurate locations of all cultural features such as all existing historic resources, public recreational facilities, cemeteries, rights-of-way, easements, pavements (including widths), bridges, culverts and storm drains, utility lines, appurtenances, and structures, municipal, County, or other political subdivision jurisdictional limits, land lot and district lines, zoning districts and limits and other significant features.
- M. Proposed layout including lot lines with preliminary dimensions, lot numbers, block letters, street rights-of-way with names and widths, easements, public use facilities, facilities exclusively for subdivision use and all relevant conditions of zoning.

- N. Location of all known existing or previous landfills.
- O. Proposed method of water supply and sewage disposal.
- P. Concept Plat Certifications as specified in this Article, Section 4.

7.6.3 Preliminary Plat, Supplemental Information.

The following supplemental information shall be required for each submittal of a Preliminary Plat:

- A. A written summary of the proposed Subdivision giving information as to the overall development plan including, as appropriate, the type and square footage of structures, number of housing units, types of land uses, anticipated traffic generation, and other pertinent information so that the effects and conformance of the Subdivision as to the purposes and requirements specified in this code can be considered by the City Manager or designee.
- B. Description of the anticipated utility systems required to serve the proposed subdivision including projected average and peak demands or flows for potable water (Water Availability Report), fire protection, sewerage, and electrical power.
- C. Description of proposed stormwater management practices for the subdivision including the ownership and proper maintenance provisions of all stormwater detention facilities within the subdivision.
- D. Such additional information may be required to obtain an adequate understanding of the subdivision.

7.6.4 Preliminary Plat Review Process

- Step 1: The developer of a proposed Subdivision shall attend a preapplication meeting with the City Manager or the Development Review Committee to discuss what is required for Preliminary Plat approval in terms of documents, fees, and schedules.
- Step 2: The developer shall submit to the City Manager or designee a complete Preliminary Plat Application Package.
- Step 3: The Preliminary Plat Application Package shall be carefully checked by the City Manager or designee to determine whether it is complete. If it is incomplete, it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2, and no additional fee will be required.
- Step 4: If the Preliminary Plat Application Package is complete, it will be accepted by the City Manager or designee; the date of acceptance will be noted. For every submittal, the City Manager or designee and the City Engineer shall have at least fifteen (15) working days for review of the Preliminary Plat, and preparation of review comments.
- Step 5: If it is concluded that the Preliminary Plat is not acceptable, the Preliminary Plat shall be returned to the developer with an explanation of why it was found to not be acceptable, and with

instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2 and a new plat review fee will be required.

Step 6: After the Preliminary Plat Application has been reviewed by the City Manager and the Development Review Committee and determined to be in substantial compliance with this code, the Preliminary Plat submittal shall then schedule for a meeting of the Planning and Zoning Commission for approval. The Planning and Zoning Commission shall have the authority to impose conditions and agreements on any plat approval as will ameliorate the negative effects of the proposed development on internal or surrounding properties.

Step 7: If the Preliminary Plat is approved by the Planning and Zoning Commission, it shall be forwarded to the developer, and he will be authorized to proceed with the preparation of construction plans. The construction plans will be based on the approved Preliminary Plat and be in accordance with all conditions and agreements included in the action to approve the Preliminary Plat.

Step 8: The City Manager or designee will sign the Preliminary Plat Certification after receiving approval from the Planning and Zoning Commission.

7.6.5 Preliminary Plat Certifications

A. Preliminary Plat, Owner's Certification:

The following certification statement from the owner shall appear in the Concept Plat Application package: I hereby submit this Preliminary Plat as the owner, or his authorized agent, of all property shown thereon.

Signature of Owner/Developer or Authorized Agent

Date

Name of Owner/Developer or Authorized Agent

Title

B. Preliminary Plat, Designer's Certification:

The following certification statement from the design professional of record shall appear in the approved Concept Plat Application package: I hereby certify that the plans for the proposed subdivision shown on this Preliminary Plat were prepared by me or under my direct supervision:

Signature

Date

Registered Landscape Architect No. _____

Or Registered Land Surveyor No. _____

Or Registered Civil Engineer No . _____ (Seal)

C. Preliminary Plat, Conformance with Concept Plat

The following certification statement shall appear in the approved Concept Plat Application package:

I hereby certify that this proposed Preliminary Plat generally conforms to the approved Concept Plat and the requirements of the other applicable development codes and ordinances:

City Manager

Date

City Engineer

Date

D. Preliminary Plat Approval

All requirements of the City relative to the preparation and submission of this Preliminary Plat have been fulfilled and approval of this Plat is hereby granted. This approval expires in 365 days from this date if the owner/developer fails to secure Final Plat approval by that time.

City Manager

Date

Acknowledged by:

Owner/Developer

Date

7.7 The Construction Plans

7.7.1 Purpose of the Construction Plans

The purpose of the Construction Plans is to provide all the detailed engineering information necessary to build the proposed subdivision in accordance with the approved Preliminary Plat and all the other development codes and ordinances of the City. It shall be the responsibility of the City Engineer to approve the format and content of the plans and specifications, and to determine what supplemental information shall be required to assure proper construction of the project.

7.7.2. Construction Plans and Specifications

The Construction Plans for a subdivision shall be clearly and legibly drawn at a scale of not less than one hundred (100) feet to one (1) inch. The sheet size shall not exceed thirty-six (36) inches by forty-eight (48) inches. The Construction Plans shall include the following information:

- A. Name of Subdivision.
- B. Name, Address and Telephone Numbers of the Owner/Developer of the Property.
- C. Name, Address and Telephone Number of the Professional Engineer who prepared the plans.
- D. Name, Address and Telephone Number of the designated 24-hour contact person for the project.
- E. Date plans were prepared, North Arrow and Graphic Scale on all appropriate sheets.
- F. Location Map at an appropriate scale.
- G. An accurate list of all conditions relative to the zoning or development of the property as a Subdivision and the approval of the Concept Plat and Preliminary Plat.
- H. Pertinent Site Development Data.
- I. A copy of each permit or approval that shall be required from any federal, state, or local regulatory agency for or in connection with the proposed subdivision, or any portion thereof, or a copy of a pending application for any such permit or approval.
- J. Detailed Limits of Clearing and Tree Preservation Plans.
- K. Detailed Limits all undisturbed buffers and open space.
- L. Erosion and Sediment Control Plans.
- M. Detailed Stormwater Management Plans.
- N. Detailed Electric and Natural Gas Utility Plans.
- O. Detailed Roadway Plans.
- P. Detailed Grading Plans.
- Q. Detailed Water Supply/Utility Plans.
- R. Detailed Sanitary Sewer Plans; and
- S. Such other Information as may be required by the city to fully evaluate and review the Project.

7.7.3 Construction Plan Review Process

- Step 1: The developer of a proposed subdivision shall meet with the City Manager or their designee to discuss what is required for Construction Plan Approval in terms of documents, fees, and schedules.
- Step 2: The developer shall submit to the City two (2) complete sets of the Construction Plan Application Package.
- Step 3: The Construction Plan Application Package shall be carefully checked by the City Manager and/or City Engineer to determine whether it is complete. If it is incomplete, it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2, and no additional fee will be required.

- Step 4: If the Construction Plan Application Package is complete, it will be accepted by the City Manager or designee; the date of acceptance will be noted. For every submittal, the City shall have at least thirty (30) working days for review of the Construction Plans and preparing comments.
- Step 5: The City Manager or designee shall review and approve two identical sets of plans, one for the developer and one for the City. The developer shall then make five (5) copies of the approved set for the City, along with one (1), eleven (11) inch x seventeen (17) inch set. The developer shall always keep one (1) copy of the approved set on the construction site.
- Step 6: Upon request, after approval on the Construction Plans and receipt of all permits and approvals under Section 2, Item I of this Article, which shall become a part of the developer's Construction Plans, the City or City Engineer shall issue a Land Disturbing Activity or Development permit to install the erosion control facilities and the tree-save fence in accordance with the approved plans. A fee is required for this permit in accordance with the fee schedule set by the City.
- Step 7: Upon request, the staff shall inspect the property to determine whether the erosion control facilities and tree-protection fence were installed properly. This inspection shall take place within three working days of the request.
- Step 8: If the installation is not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 7. A re-inspection fee shall be required.
- Step 9: After approval of the erosion control facilities and tree-saving fence, the developer may request that the City Manager or City Engineer issue a permit to clear and grade the property in accordance with the approved plans. A fee may be required for this permit in accordance with the fee schedule set by the City.
- Step 10: Upon request, the City staff shall inspect the property to determine whether the clearing and grading were done properly. This inspection shall take place within five (5) working days of the request.
- Step 11: If the clearing and grading are not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step thirteen (13). A re-inspection fee may be required in accordance with the fee schedule set by the City of Crescent City.
- Step 12: The City staff or appointees may periodically inspect the property to determine whether the site is developed in accordance with the approved plans. Also, the developer shall submit for review and approval all test results, documentation, and certifications that are required to demonstrate satisfactory construction and adherence to all federal, state, or local regulatory agency permits and approvals, all codes, ordinances, and development standards.

Step 13: Upon request, the City staff shall make a final inspection of the construction. Based on the site inspection and the review of the supporting documentation, the City Manager or City Engineer shall determine whether the construction work is acceptable. This determination shall be made within ten (10) working days of the request. If it is determined that the construction is satisfactory, Crescent City's City Manager or the City Engineer will authorize the preparation of a Final Plat.

Step 14: If the construction is not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step thirteen (13). A re-inspection fee shall be required.

Note: If the developer wishes to make any substantive change to the Construction Plans at any time during the process, that change must first be approved by the City Manager or City Engineer in accordance with the Construction Plan Review Process.

7.7.4 Construction Plans Certification

A. Construction plans, engineer's certification of design

The following certification statement from the design professional of record shall appear in the approved Construction Plans package:

I hereby certify that the design of stormwater and drainage facilities including culverts, drainage structures and detention or retention ponds and appurtenances; the design of roadways and streets; and the design of water system facilities including pipelines, fire hydrants, valves and appurtenances, sanitary sewerage facilities including gravity sewer pipelines, force mains, manholes and appurtenances was prepared under my direct supervision and is in strict accordance with all applicable federal, state, and local regulatory permits and approvals, and all applicable local codes, ordinances and regulations.

Signature of Engineer of Record

Date

Name (Printed)

(Seal)

B. Construction plans approval, City Manager or City Engineer

The following certification statement from the City Manager or City Engineer shall appear in the approved Construction Plans:

All requirements of the City relative to the preparation and submission of these plans and specifications have been fulfilled and approval is hereby granted subject to the conditions stipulated below:

City Engineer

Date

C. Construction Plans Approval, City Engineer

The following certification statement from the City Engineer shall appear in the approved Construction Plans: These Construction Plans have been reviewed and found to be in substantial accordance with the approved Concept Plat and the approved Preliminary Plat, and any zoning conditions that may have been previously imposed on the property.

City Manager

Date

7.8 The Final Plat

7.8.1 Purpose of the Final Plat

The purpose of the Final Plat of a subdivision is to present an accurate depiction of the layout of the Subdivision that has been constructed so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the Subdivision.

7.8.2 Final Plat Specifications

- A. The Final Plat shall be clearly and legibly drawn in black ink on suitable permanent reproducible material. The scale of the Final Plat shall be one hundred (100) feet to one (1) inch or larger. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches.
- B. The Final Plat shall be based on a certified boundary survey delimiting the entirety of the property contained within the Final Plat and tied to a city-established monument with the same degree of accuracy as the boundary itself. The survey shall have an accuracy of no less than one (1) in ten thousand (10,000) and shall meet all requirements of Florida Law regarding the recording of maps and plats. The Final Plat shall be submitted as hard copy and electronically in a format acceptable to Crescent City.
- C. The Final Plat shall substantially conform to the approved Preliminary Plat, and it may constitute only a portion of the approved Concept Plat, which the subdivider proposes to record at any one time, provided that such portion conforms to the requirements of these regulations, and said portion is not inconsistent with the public health, safety, or welfare. Any substantial deviation from the approved Preliminary Plat shall require revision and re-approval of the Preliminary Plat. The Final Plat shall contain the following information:
 1. Name of the subdivision and unit or phase number, if any.
 2. Names, addresses, and telephone numbers of the property owner of record and the developer or subdivider.

3. Name, address, and telephone number each professional firm associated with the portion of the subdivision depicted on the Final Plat.
4. Date of plat and survey, North Arrow and graphic scale.
5. Subdivision location including land lot(s) and land district(s), area in acres, internal and abutting zoning, proposed number of lots and area represented in tabular format showing associated square footage.
6. A location sketch or vicinity map at an appropriate scale positioning the subdivision in relation to the surrounding area regarding recognized permanent landmarks.
7. Field-run boundary survey of the subdivision property perimeter showing actual bearing in degrees, minutes and seconds and distances in feet and hundredths of a foot along all lines and the bearing and distances to an existing street intersection or other recognized permanent landmark. The boundary information shall be tied and related to the State Plane Coordinates System, 1983 North American Datum, Florida, East zone.
8. Municipal or county jurisdictional lines tied to the lines of the subdivision by distance and angles when such lines traverse or adjoin the subdivision; land lot or land district lines traversing or adjoining the subdivision shall also be indicated.
9. Locations, widths, and names of all streets within and immediately adjoining the plat and all other public or utilities easements or rights-of-way.
10. Street centerlines showing angles of deflection and standard curve data including radii, chord lengths, and bearings, lengths of arcs and tangents, and points of curvature and tangency.
11. Lot lines with complete dimensions to the nearest one-hundredth of a foot and bearings to the nearest second, and radii, arc and chord lengths, and chord bearings of rounded corners.
12. Building setback lines with dimensions. When lots are located on a curve or when side lot lines are at angles other than ninety degrees, the lot width at the building line shall be shown.
13. Lots numbered in numerical order, blocks lettered alphabetically, and addresses as established by the City.
14. Location, material and size of all drainage pipes, location, and type of all drainage system appurtenances such as catch basins, headwalls and inlets, location, and extent of detention ponds with 100-year event level noted, the location, material and size of all Crescent City's water and sewer mains and appurtenances, the location of all fire hydrants, and the location, width and purpose of any easements, including slope easements.
15. Location of any areas to be reserved, donated, or dedicated to public use with notes stating their purpose and limitations. Location of any areas to be reserved by private deed covenant for common use of all property owners or dedicated to a homeowner's association.

16. A statement of restrictive covenants or conservation easements, if any, and if they are brief enough to be put directly on the Final Plat; otherwise, if covenants are separately recorded, a statement as follows: "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated [insert date], which hereby become a part of this plat, and which were recorded on [insert date]."
17. Accurate location, material, and description of property corner or line monuments or markers. All monuments and markers shall be in place prior to approval of the Final Plat.
18. Extent and elevation of the regulated floodplain within the subdivision. When a floodplain is present, a chart giving the areas within and outside of the floodplain for each lot containing any portion of the floodplain shall be on the Final Plat. The origin of the floodplain data shall be indicated. The minimum finished floor elevation for sites adjacent to the floodplain shall be indicated on the plat for each lot.
19. Individual lots, which are deemed by the Crescent City's City Manager or City Engineer as requiring site plans, shall be designated in a readily identifiable manner. No part of any Lot shall contain State Waters, conservation easements or other permanently protected areas, or the required undisturbed buffers for those areas.
20. Certificates and statements specified in these Regulations.

7.8.3 Final Plat, Supplemental Information

The following shall be required for each Final Plat.

- A. A maintenance bond warranting workmanship and covering damages for a period not less than twenty-four (24) months from the date the Final Plat is recorded.
- B. As-built construction plans in both a paper and electronic format, showing all infrastructure installation details, and certified by the engineer of record.

7.8.4 Final Plat Review Process

- Step 1: The developer of a proposed subdivision shall meet with Crescent City's City Manager or City Engineer to discuss what is required for Final Plat Approval in terms of documents, fees, and schedules.
- Step 2: The developer shall submit to Crescent City's City Manager or City Engineer two (2) complete Final Plat Application Packages.
- Step 3: The Final Plat Application Package shall be carefully checked by the Crescent City's City Manager or City Engineer or their designee to determine whether it is complete. If it is incomplete, it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2 and no additional fee will be required.

- Step 4: If the Final Plat Application Package is complete, it will be accepted by the Crescent City's City Manager or City Engineer or their designee; the date of acceptance will be noted. For every submittal, Crescent City's City Manager or City Engineer shall have at least fifteen (15) working days for review of and comments on the Final Plat.
- Step 5: If Crescent City's City Manager or City Engineer concludes the Final Plat is not acceptable, the Final Plat shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2 and a new plat review fee will be required.
- Step 6: Prior to recording the Final Plat, the developer shall complete all required improvements, including the installation of the Landscape Plan for the public areas, and those improvements must all be inspected and approved by Crescent City staff. If for any reason, it is not possible or practical for the developer to be able to complete this work within a reasonable period of time, the developer may post a cash bond, the amount of which shall be determined by Crescent City's City Manager or City Engineer pending the satisfactory completion of the work.
- Step 7: Prior to recording the Final Plat, the developer must post with Crescent City an acceptable Maintenance bond to guarantee the quality and workmanship of the required improvements for a period of not less than twenty-four (24) months following the date the Final Plat is recorded.
- Step 8: Once the developer has complete steps 6 and 7, and Crescent City's City Manager or City Engineer has approved the Final Plat, the developer shall provide to City Manager or City Engineer a complete and accurate set of as-built drawings in both paper and electronic format acceptable to Crescent City. The as-built drawings must also be approved by Crescent City's City Manager or City Engineer.
- Step 9: Record the final plat.

7.8.5 Final Plat Certifications

A. Final Plat Surveyor's Certification

The following certification statement from the Surveyor of Record shall appear in the approved Final Plat Package:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type, and material are correctly shown: This plat conforms to all requirements of the Florida Plat Act. By:

Signature of Registered Florida Land Surveyor

Date

Name (Printed)

No. (Seal)

B. Engineer's Certification

The following certification statement from the Engineer of Record shall appear in the approved Final Plat Package: I hereby certify that this subdivision was constructed in accordance with the construction plans and specifications which were approved by Crescent City's City Manager or City Engineer, as well as any approved revisions thereto, and that all applicable engineering requirements of the applicable development and zoning ordinances have been fulfilled, except as noted below:

Signature of Engineer of Record

Date

Name (Printed)

No. (Seal)

C. Final Plat Approval Certification

The following certification statement from Crescent City's City Manager or City Engineer shall appear in the approved Final Plat Package:

This Final Plat has been prepared in accordance with the approved Concept Plat, the approved Preliminary Plat, the approved Construction Plans, and the other applicable development codes and ordinances, and has been approved by Crescent City for recording in the Office of the Clerk of the Superior Court of Putnam County.

Engineer of Record

Date

Clerk

Date

City Manager

Date

D. Maintenance Guarantee

The undersigned, and all of its successors assigns to its interest in the subject property and , hereby warrant and guarantee to Crescent City the full and complete maintenance of a certain improvement known as _____ and more particularly shown in plat book _____, page(s) _____, of the _____ County Records (the "Property," or the "improvements").

This warranty and guarantee are made in accordance with the applicable subdivision and development regulations of the City of Crescent City. This guarantee includes not only paving but also all other appurtenant structures and amenities lying within the right-of-way of any said road and in the buffer areas, including but

not limited to all curbing, drainage pipes, culverts, catch basins, drainage ditches, and pedestrian walks. Utilities owned and operated by a governmental body or Public Utility Company shall be the responsibility of said governmental body or Public Utility Company and not the developer.

The developer shall correct and repair or cause to be corrected and repaired all damages to said improvements. In the event the developer fails to correct any damages within 30 calendar days after written notice thereof, then said damages may be corrected by the City of Crescent City and all costs and charges billed to and paid by the developer; but this remedy shall not limit City of Crescent City and it shall also have any remedies available to it as approved by law.

The terms of this agreement shall be for a period of five years beginning on the date of written acceptance of said improvements by Crescent City as evidenced by the final plat approval of said completed improvements.

After the termination of said five-year period the City of Crescent City shall be responsible to the citizens of the City of Crescent City for the maintenance of said improvements as provided by law. Provided, however, any damages which occurred prior to the end of said five-year period and which still are unrepaired at the termination of said period shall remain the responsibility of the developer (written notice of said damages must be given prior to the time the five-year period ends).

IN WITNESS WHEREOF, the developer has caused this Agreement to be executed by its duly authorized officers this _____ day of _____, _____.

Owner/Developer

Date

Title

(Seal)

Notary Public State of Florida

(Seal)

E. Certificate of Dedication

State of Florida

County of Putnam

City of Crescent City

The owner of the land shown on the attached final plat ("Plat") acknowledges that the Plat was made from an actual survey, and for value received, the sufficiency of which is hereby acknowledged, does hereby convey in fee simple to the City of Crescent City, Florida, and further dedicates to the use of the public forever all streets and rights-of-way, pedestrian walks, watercourses, drains, easements, greenbelts and public places shown on the Plat, except those easements designated on this plat as other utility company easements, and except those streets specifically designated on the Plat as private streets.

In consideration of the approval of this Plat and other valuable considerations, the owners do hereby agree to hold the City of Crescent City, Florida, harmless for a five year period from any and all liabilities arising from any and all claims, damages, or demands arising on account of the design and construction of the improvements shown on the Plat, to include but not limited to, the roads, streets, fills, embankments, ditches, cross drains, culverts and bridges within the proposed right-of-way shown, resulting from any and all causes other than by an act of the City of Crescent City, Florida.

And further, the owner warrants that he owns fee simple title to the property shown on the Plat and agrees that the City of Crescent City shall not be liable to the undersigned or subsequent owners in title for a period of five-years (5) for any claim of damages resulting from negligence in exercising engineering techniques and due caution in the construction of cross drains extension, drives, structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers and any other matter whatsoever on private property. Any and all monetary liability arising from the property shown on the Plat during the term of the five-years hold harmless period specified herein shall be the liability of the owner, or its successors and assigns in interest. I further warrant that I have the right to convey said land according to this plat and do hereby bind myself and the owners subsequent in title to defend the covenants and agreements set out.

IN WITNESS WHEREOF, I have hereunto set by hand and affixed my seal this _____ day of _____, 20____.

Owner/Developer

Date

Title

(Seal)

Notary Public State of Florida

(Seal)

7.8.6 Contract for Plat Recording

No subdivision plat shall be recorded until the subdivider has entered into a contract for plat recording with the City. This contract shall detail the obligations of the subdivider regarding the installation of public improvements, adherence to zoning and subdivision regulations, and any other conditions of approval as required by this Code. The subdivider shall provide a performance bond or other financial guarantee acceptable to the City as part of the contract for plat recording. This guarantee shall ensure the completion of all required public improvements in accordance with the approved plat and this ordinance. The subdivider shall provide a bill a sale for all improvements to be dedicated to the public as part of the contract for plat recording.

7.9 Conservation Subdivisions

7.9.1 Purpose

The value of conserving natural resources is recognized herein as an important consideration in subdivision design and zoning. Accordingly, the regulations set forth in this section shall be followed for a development to be considered a conservation subdivision. This section is intended to supplement and, where provided herein, amend the specific requirements of this Code; therefore, application by the developer for a conservation subdivision shall follow the following guidelines while fulfilling, to the extent consistent with the following guidelines, the submittal, review, and approval processes outlined in the article. The purpose of this section is as follows:

- A. To provide a residential zoning development option that permits flexibility of design to promote environmentally sensitive and efficient uses of land.
- B. To preserve in perpetuity unique or sensitive natural resources such as groundwater recharge areas, floodplains, wetlands, streams and stream banks, buffers, woodlands, and wildlife habitat.
- C. To promote clustering of houses and structures on less environmentally sensitive soils to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- D. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- E. To promote interconnected greenways and corridors throughout the community.
- F. To promote contiguous greenspace with adjacent recreational facilities and jurisdictions.
- G. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- H. To encourage street designs that reduce traffic speeds and reliance on main arteries in the neighborhood while increasing safety and access for pedestrians and bicyclists.
- I. To promote construction of convenient and environmentally acceptable landscaped walking trails and bike paths—both within the subdivision and connected to neighboring communities, businesses, and facilities—that reduce reliance on automobiles and provide recreational opportunities.
- J. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.

7.9.2 Applicability of Regulations

The Conservation Subdivision option is available, as a use by right, for all subdivision applications in all single-family, duplex residential, and mixed-use zoning districts provided that the proposed subdivision preserves no less than 50% of the site as permanent open space. Applicants for a Conservation Subdivision shall comply with all other provisions of this Code and all other applicable laws, except those that are incompatible with the provisions contained herein.

7.9.3 Housing Density Determination

A. Maximum Lot Determination

The number of lots in the developed area of a Conservation Subdivision shall be determined as follows:

1. **Yield Plan:** The applicant presents a yield plan for review to determine the number of buildings and dwelling units achievable on the property. The maximum number of lots is based on a conventional subdivision design plan and the allowable density on the site, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest allowable number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

2. **Density Transfer:** The density that would have been allowed on the preserved open space portion of the site shall be transferred to the development area provided that the open space is placed in restrictive covenant, conservation easement or other instrument acceptable to the City. A maintenance plan meeting the provisions of the Management Plan provided for under Section 7.11.5.F shall be required for any transfer to be considered.

B. Maximum Lot Determination Not Guaranteed

The maximum number of lot determination does in no way guarantee that the conservation subdivision will be approved with the maximum number of lots in the yield plan. If all other requirements are met, the conservation subdivision may have up to (and not exceeding) the maximum number of lots.

7.9.4 Application Requirements

A. Site Analysis Map

Concurrent with the submission of a site Concept Plan, as required under Sections 7.5 applicants shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this article. The approach to preparing the site analysis map should include the following steps:

- Step 1: Identify general site features.
- Step 2: Determine and locate primary and secondary conservation areas.
- Step 3: Consider the impact of other important factors such as adjacent land uses, accessibility, transportation, and infrastructure availability.
- Step 4: Use collected information to derive the actual buildable area; and

Step 5: Synthesize this information to create various development scenarios which incorporate the natural features of the site. The site analysis map shall include the following features:

- a. Property boundaries.
- b. All hydrologic features including streams, rivers, lakes, wetlands, riparian buffers, estuaries, marsh hammocks, marshlands, 100-year floodplains, FEMA flood zones, beaches, groundwater recharge areas, areas with elevated or perched groundwater tables.
- c. Topographic contours of no less than 3-foot intervals.
- d. Existing drainage pathways.
- e. General vegetation characteristics.
- f. General soil types.
- g. Wildlife and Priority Habitat Inventory (as identified by Florida Department of Environmental Protection).
- h. Historic, cultural, and archeological resources.
- i. Agricultural land.
- j. Recreational land.
- k. Wellhead protection areas.
- l. Future land use designations (if current).
- m. Viewsheds identified in local or regional land use or preservation plans.
- n. Existing water access.
- o. All other primary and secondary conservation areas are labeled by type.
- p. The planned location of protected open space.
- q. Existing roads and structures; and
- r. Potential connections with existing greenspace and trails.

B. Lot Development Plan

A lot development plan shall be required to define specific standards for minimum lot area, lot width, front/side/rear building setbacks, maximum building height, maximum building area, maximum impervious area and other dimensional standards. The lot development plan shall be approved as part of the Concept Plat.

C. Open Space Management Plan

An open space management plan shall be prepared and submitted prior to the issuance of a land disturbance permit.

C. Instrument of Permanent Protection

An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant shall be placed on the open space concurrent with the issuance of a land disturbance permit.

D. Other Requirements

The Applicant shall adhere to all other applicable requirements of the underlying zoning ordinance and/or the subdivision regulations of Crescent City.

7.9.5 Open Space

A. Definition

Open Space is the portion of the conservation subdivision that has been set aside for permanent protection for the common use of the residents of the development, or for the use of the community if so designated. The land designated as open space shall be in single ownership, separately platted, and shall not be divided among any of the constituent lots of the subdivision. The open space may be left in their existing condition or restored with native vegetative cover. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument and are subject to the terms described in this section of the code.

B. Standards to Determine Open Space

1. The following areas are considered Primary Conservation Areas and are required to be included within the open space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - a. Natural bodies of open water over 5,000 square feet contiguous area.
 - b. Any areas of the site located within the 100-year flood plain
 - c. Wetlands that meet the definition used by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act.
 - d. Populations of rare, endangered or threatened species, or habitat for such species, as defined by U.S. Fish and Wildlife and Florida Department of Natural Resources.
 - e. Important, known archaeological sites and all cemeteries and burial grounds.
 - f. Any undisturbed buffers required by law or regulations for items (a) through (e) listed in this Paragraph B.
2. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
 - a. Important historic sites and structures.
 - b. Populations of rare, endangered or threatened species, or habitat for such species, as defined by U.S. Fish and Wildlife and Florida Department of Environmental Protection.
 - c. Existing healthy, native forests, woodlands, or fields in early stages of succession, with a contiguous area of at least one (1) acre.
 - d. Individual existing healthy trees (heritage trees) not included as part of a larger stand of trees.
 - e. Other significant natural features and scenic viewsheds such as coastal sand dunes or bluffs, particularly those that can be seen from public roads.
 - f. Prime agricultural lands of at least five (5) acres contiguous area.

- g. Lands identified in a greenway network plan, where applicable.
 - h. Existing trails that connect the tract to neighboring areas; and
3. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
 4. At least seventy-five (75) percent of the open space shall be in a contiguous tract and shall adjoin any neighboring areas of open space, other protected areas, or non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
 5. Non-adjoining lots shall be provided with safe, convenient access to the open space.

C. Permitted Uses of Open Space

Uses of open space may include the following:

1. Conservation of natural, archaeological, or historical resources.
2. Meadows, woodlands, wetlands, marshlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
3. Walking or bicycle trails, provided they are constructed of pervious materials.
4. Passive recreation areas, such as open fields.
5. Active recreation areas, if they are limited to no more than ten (10) percent of the total open space and are not located within primary conservation areas. These areas must be clearly indicated on all submitted plans. Active recreation areas more than this limit must be located outside of the protected open space. Active recreation areas located in the protected open space may not include the installation of buildings or other than incidental structures and impervious surfaces, except by variance.
6. Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas.
7. Landscaped stormwater management facilities and impoundments. Such facilities shall be located outside of primary conservation areas.
8. Community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of primary conservation areas.
9. Easements for drainage, access, and underground utility lines; or
10. Other conservation-oriented uses are compatible with the purposes of this code.

D. Prohibited uses of Open Space

The following uses are not permitted within the designated open space:

1. Golf courses

2. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections.
3. Planting of invasive exotic plant species.
4. Active recreation areas, except as allowed in Section 5.3, including but not limited to tennis courts, basketball courts, or swimming pools; or
5. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

E. Ownership and Management of Open Space and Common Facilities

The following methods may be used to own open space land and all common facilities:

1. Homeowner's Association. A Homeowner's Association representing residents of the conservation subdivision shall own the open space, and meet the following requirements: Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors; The Homeowners' Association shall have lien authority to ensure the collection of dues from all members; and, responsibility for maintaining the open space and any facilities located thereon shall be legally borne by the Homeowner's Association.
2. Private conservation organization. With approval by the City Manager, fee simple title of the open space or easements on the open space may be transferred to a private nonprofit conservation organization provided that the conservation organization meets the criteria set forth herein. The organization shall have a letter from the Internal Revenue Service stating that it is exempt under Section 501(a) of the Internal Revenue Code as an organization described in Section 501(c)(3a) and is a qualified conservation organization as defined by the U.S. Treasury Regulations 1.170A-14(c) intended to exist indefinitely.

F. Management Plan

Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:

1. Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, as well as including additional provisions for ongoing maintenance and long-term capital improvements related to open space, stormwater drainage systems and components, common property and facilities, and any community water supply or sanitary sewer system; estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
2. Provides that any changes to the Plan be approved by Crescent City and
3. Provides for enforcement of the Plan.

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of

such maintenance may be charged to the Homeowner's Association, or if the costs cannot be recovered from such Homeowner's Association for any reason, then the costs shall be charged to the individual property owners that make up the subdivision and may include administrative costs and penalties. Such costs shall become a lien on all the open space property and on all subdivisions or other properties of which the open space property is a part. This language shall be recorded in the final plat, any deed restrictions, or by-laws for Homeowner's Associations.

G. Legal Instrument for Permanent Protection

The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the open space. In addition, the legal instrument shall also include the Management Plan described in Section 7.9.5.F above. The instrument shall be one of the following:

1. A permanent conservation easement in favor of either:
 - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements, or a private conservation organization that owns the open space. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer to a qualified conservation organization or government entity in the event the organization becomes unable to carry out its functions; or
 - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this code.
 - c. If the entity accepting the easement is not Crescent City, then a supplemental right of enforcement favoring the City of Crescent City shall be included in the easement.
2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
3. An equivalent legal tool that provides permanent protection, if approved by the City of Crescent City.

7.9.6 Development Standards

A. Standards for Conservation Development

1. The following design standards are intended to improve the character and aesthetic qualities of development and to minimize impacts on natural and cultural features on the site.
 - a. Lot Standards & Building Envelopes: Individual lot lines and building envelopes shall, to the extent possible, conform to the natural contours of the site and be delineated to minimize negative impacts on the natural and cultural resources of the site.
 - b. The location and orientation of individual building envelopes and building sites shall be designed to maintain the natural topography and drainage patterns, to preserve important natural features in their natural condition, to maximize the potential for use

of passive solar energy for light and heat, to minimize disturbance of natural vegetated cover, and to minimize grading, cut-and-fill, and soil removal.

- c. Topography and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to allow a preferred development scheme, unless variances are granted to ignore these topographical and natural drainage determinants. Land disturbance and cut and fill shall be minimized.
 - i. Native trees and vegetation, wetlands and streams, and other important natural features not included within the designated open space should be incorporated along the edges of individual lots or along a path or roadway, rather than transected by lot lines or a roadway.
 - ii. The City Commission may require the designation of protected, naturally vegetated buffer strip around water resource features, e.g., lakes, ponds, streams, wetlands, or other natural features that may be adversely affected by erosion or stormwater runoff. Such areas may be required to be revegetated if they were recently cleared prior to subdivision approval or cleared during construction. The buffer width shall, at a minimum, meet any dimension required by the Florida Erosion and Sedimentation Act and applicable local buffer codes, but may exceed those minimums, or be imposed in the absence of any such minimums, for good cause shown by the Planning & Zoning Commission.
 - iii. Stream and wetland crossings shall be eliminated whenever practical. When necessary, stream and wetland crossings may be allowed that minimize disruptions or impacts to water flow and animal passage.
 - iv. A building envelope shall be identified for each lot. Future construction on the lot is encouraged, but not required to be located within the identified building envelope for each lot; however, construction outside of the designated building envelope shall comply with the setback requirements for a conventional development.
 - v. Building envelopes, and/or areas of contiguous clearing, shall generally be limited to a maximum area of one-half (1/2) acre for an individual building or up to two (2) acres when multiple buildings are located on a common lot.

2. Minimal Visual Impact.

The Planning & Zoning Commission may require a vegetated buffer to provide screening between developments and/or between development and public roadways. At its discretion, the Planning & Zoning Commission may prohibit the placement of building envelopes in visually prominent areas that cannot be adequately screened.

3. Minimum Street and Street Right-of-Way Widths.

Minimum street and street right-of-way widths shall be as set out in the following subsections. These requirements shall take precedence over the requirements of Crescent City's Subdivision Code. Except where the requirements below differ, all other regulations contained within the Subdivision Code shall apply:

- a. Local Street (no parking). A local street with two (2) lanes and no parking shall have a graded width of eighteen (18) feet. The right of way shall be a minimum of thirty-four (34) feet, with an eight (8) foot minimum on each side.
- b. A local street with two (2) lanes and parking shall have a graded width of twenty-four (24) feet. The right-of-way shall be a minimum of forty (40) feet, with an eight (8) foot minimum on each side.

4. Impervious Coverage Maximum.

Conservation Subdivisions within a conservation subdivision shall conform to the following requirement: the Maximum site impervious surface coverage is fifteen (15) percent effective impervious area.

5. Crescent Lake Buffer Requirement.

Any Conservation Subdivisions located adjacent to Crescent Lake will provide an undisturbed natural vegetative buffer. The buffer shall be a variable width buffer with an average width of at least seventy-five (75) feet, and a minimum width of fifty (50) feet. An exception to this buffer is allowed for the construction and maintenance of a common pier or boat dock amenity for the subdivision. The boat dock must be sized, located and designed to minimize impact on the natural vegetative buffer. Any disturbance to the buffer during construction or maintenance of the boat dock must be mitigated by restoring the affected area with native vegetation.

B. Additional Design Guidelines for Conservation Subdivisions

The following standards provide guidelines for the layout of a new residential and/or mixed development when such an option are feasible:

1. Building envelopes should be set back as far as possible from the boundary of the adjoining designated open space, to protect the integrity of the open space area.
2. Consideration should be given to the layout of the subdivision to provide each dwelling unit with access and/or views onto the designated open space.
3. Shared driveways are permitted and encouraged where appropriate to access individual lots.