

ORDINANCE 14-24
LAND DEVELOPMENT CODE TEXT AMENDMENT – CERTIFIED LOT(S)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE LAND DEVELOPMENT CODE CHAPTER 9, SUBDIVISION PROCEDURES AND STANDARDS, SECTION 902, GENERAL PROCEDURES, TO PROVIDE NEW PROCEDURES FOR SUBDIVISION OR SPLITTING OF LAND CREATING TWO LOTS [CERTIFIED LOT(S)]; AMENDING THE NUMBER OF LOTS CONSIDERED TO BE A MINOR SUBDIVISION; AMENDING CHAPTER 2, DEFINITIONS AND RULES OF CONSTRUCTION, SECTION 201, DEFINITIONS, TO MODIFY THE DEFINITION OF SUBDIVISION AND ADD A NEW DEFINITION FOR CERTIFIED LOT(S); PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in Community Planning Act, codified in the applicable portions of Chapter 163, Part II, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. Section 201 of the Code sets forth defined terms relating to subdivisions within Manatee County.
2. Chapter 9 of the Code sets forth the procedures and standards for subdivisions within Manatee County.
3. It is in the interest of the public health, safety and welfare to amend the definitions set forth in Section 201 of the Code and the provisions of Section 902 of the Code pertaining to procedures and standards for subdivisions by modifying existing requirements and adding a new subdivision procedure known as Certified Lots.
4. The Manatee County Planning Commission held a duly noticed and advertised public hearing on June 12, 2014, received public comments, the staff report and has reviewed the amendments set forth in this Ordinance and has found these amendments to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 503 of the Code, and has recommended their adoption to the Board, on August 7, 2014 and September 4, 2014.

Section 3. Amendment of Section 201 of the Land Development Code. Section 201 of the Code is hereby amended to modify and add defined terms, as set forth in Exhibit “A” to this Ordinance.

Section 4. Amendment of Section 902, General Procedures, of the Land Development Code. Section 902 of the Code is hereby amended to as set forth in Exhibit “B” to this Ordinance.

Section 5. Codification. The publisher of the County’s Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4, of this Ordinance into the Land Development Code.

Section 6. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 7. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 8. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 4th day of September, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Larry, Bustle, Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: _____
Deputy Clerk

ORDINANCE EXHIBIT “A”
NEW OR DELETED DEFINED TERMS FOR SECTION 201
(underline language added, strike-through language deleted)

Section 201. Definitions

Subdivision shall mean the division of a parcel of land or lot of record that results in the creation ~~a third~~ two parcels of land ~~since May 4, 1981,~~ under five (5) acres in size for the purpose, whether immediate or future, of transfer of ownership, or, if the establishment of a new street is involved, any division of such parcel. The term subdivision shall also include any resubdivision.

Subdivision shall not be deemed to include, if the division of land results in parcels:

1. Each greater than five (5) acres in area except in conjunction with the creation of a new street, or
2. Any change in ~~street~~ right-of-way lines or easements.

The combining or reconfiguration of platted lots or portions thereof, does not constitute a subdivision when the lot area, required access and width of the resulting lots is not less than the original lots or than allowed by this Code, whichever is less provided the number of lots is not increased.

The division of property for the conveyance of land to a federal, state, county or municipal governmental agency, entity, political subdivision, or public utility does not constitute a subdivision, if such property is accepted by the governmental body. (See Chapter 9.)

Subdivision, Major shall mean any subdivision of eleven (11) or more residential lots or parcels of land; or any non-residential subdivision; or any time the division of land results in the establishment of a new street; or the creation of six (6) or more lots on an existing unpaved, county street. (See Chapter 9.)

Subdivision, Minor shall mean a subdivision ~~less than~~ between three (3) and eleven (11) ~~ten~~ (10) residential lots or parcels of land; and never involves the establishment of a new street and does not include any type of non-residential subdivision. (See Chapter 9.)

~~**Subdivision, Resubdivision.** (See "Resubdivision.")~~

Subdivision, Re-Subdivision shall mean the further division, ~~since May 4, 1981,~~ of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law that increases the density of any such subdivision or the alteration of any streets or the establishment of any new streets within any such subdivision, but shall not include conveyances made so as to combine existing lots by deed or other instrument.

Certified Lot(s) shall mean any subdivision, dividing or splitting of unplatted land for no more than two lots, all of which are buildable per the current zoning of the proposed parcel(s) and consistent with the LDC and Comprehensive Plan.

ORDINANCE EXHBIT “B”
AMENDMENT OF CHAPTER 9 OF THE LAND DEVELOPMENT CODE
(underlined language added, strike-through language deleted)

Chapter 9 SUBDIVISION PROCEDURES AND STANDARDS

Section 901. Purpose.

Section 902. General Procedures.

Section 903. Preliminary Plat Review Procedures—Major Subdivisions.

Section 904. Construction Drawings.

Section 905. Final Plat Review Procedures.

Section 906. Recording of Final Plats.

Section 907. General Standards.

Section 908. Modifications.

Section 909. Dedications and Reservations.

Section 910. Reserved.

Section 911. Vacation of Streets and Transfer of Plats.

Section 912. Reserved.

Section 901. Purpose.

The purpose of this Chapter is to set forth the procedures and standards for subdividing land, reviewing and approving subdivision plats.

Section 902. General Procedures.

902.1. *General Requirements.* The requirements set forth herein stipulate the procedure for ~~two~~ three types of subdivision ~~plat~~ approvals which are: a minor subdivision, ~~plat~~ and a major subdivision ~~plat~~, and a certified lot(s). Each type is specifically identified in this Section. No person, firm, or corporation shall create a subdivision of any land or proceed with the improvement of lots in a subdivision or the construction of ways or the installation of utility services therein until the ~~preliminary~~ subdivision ~~plat~~ is approved by the ~~Planning~~ Director and, when applicable, the construction drawings are approved by the ~~Planning~~ Director.

902.1.1. Minor subdivision shall mean any residential subdivision of land creating containing less than for three (3) to eleven (11) ten (10) lots or parcels of land; and does not include any type of non-residential subdivision. The minor subdivision shall front on an existing public street or private street built to the current Manatee County Development Standards; and which meets the following three (3) requirements:

1. Not involving the establishment of a new street;
2. Not involving the extension of any public facility mains within the rights-of-way and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the Planning Department Manatee County excluding individual lot service connections; and
3. Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code or other officially adopted plans, policies or regulations.

902.1.2. Major subdivision shall mean any subdivision of land creating eleven (11) or more residential lots or parcels of land; or any non-residential subdivision; or any time the division of land results in the establishment of a new street; or the creation of six (6) or more lots on an existing unpaved, county street.

902.1.3 Certified Lot(s) shall mean any subdivision, dividing or splitting of unplatted land for no more than two lots, all of which are buildable per the current zoning of the proposed parcel(s) and consistent with the LDC and Comprehensive Plan and which meets the following three (3) requirements:

1. Not involving the establishment of a new street;
2. Not involving the extension of any public facility mains within the rights-of-way and creation of any new general public improvements involving the review or approval of construction drawings, as determined by the Manatee County excluding individual lot service connections; and
3. Not in conflict with any provision of the Comprehensive Plan, Land Development Code, Building Code.
 - a. Each new lot shall be a legal conforming lot of sufficient size to meet minimum zoning requirements, uplands, and setbacks as required by the Land Development Code. Flag lots shall not be permitted.
 - b. The parent parcel shall front on an existing public street or private street built to the current Manatee County Development Standards. Creation of a new public or private street shall require a Major Subdivision. Access by easement is permitted pursuant to LDC Section 712.2.7.

902.1.34. The general processing of the subdivision plat application consists of:

Stage	Minor Subdivision	Major Subdivision	<u>Certified Lot Subdivision</u>
Pre-Application Conference	Required	Required	<u>Not Required</u>
90 Preliminary Plat	Not Required	Required	<u>Not Required</u>
2. Construction Plans	Not Required	Required	<u>Not Required</u>
2. Final Plat	Required	Required	<u>Not Required</u>

Pre-Application Conference.

902.2.1. *Minor Subdivisions.* A pre-application conference for a minor subdivision is mandatory.

902.2.2. *Major Subdivisions.* Applicants requiring Preliminary Plat approval of a major subdivision shall be required to attend a pre-application conference with the appropriate County Departments.

902.2.3. Certified Lot(s). A pre-application conference for a Certified Lot(s) is not mandatory, but encouraged.

902.2.3 4. For Minor, and Major, Subdivisions, and Certified Lot(s). At the pre-application conference, the applicant shall provide written proof of ownership or option to purchase subject property. The pre-application conference shall be recognized as a formal meeting and is not to be confused with general inquiries or with individual meetings with County staff involving general information.

902.3. *Application Submission and Determination of Completeness.*

902.3.1. All applications for approval of a plat for a subdivision shall be submitted to the Planning Director in accordance with the provisions of Chapter 5. If the application documents are incomplete, the application may, at the sole option of the Planning Director be returned to the applicant as disapproved and requiring no further obligation of the County to continue the application process. No application shall be deemed to be complete and therefore officially filed with the County, unless and until, all information and materials required by these Regulations have been submitted.

902.3.2. *Required Document Submission.*

Stage	Submit to and Determination of Completeness By
Preliminary Plat	Planning Director
Construction Plans	Planning Director
Final Plat	Planning Director
<u>Certified Lot(s)</u>	<u>Director</u>

902.4. *Lot Consolidation and Reconfiguration.* Adjacent lots or portions thereof may be consolidated in accordance with this Section so long as doing so will not result in the creation of a new nonconformity under Chapter 11. Nothing herein shall be construed to require that adjacent lots be consolidated pursuant to this Section in order to be developed in common.

902.4.1. *General.* Applications for lot consolidation review shall be submitted to the ~~Planning~~ Director for review and approval. The application shall include a Lot Consolidation Agreement ("Lot Consolidation Agreement"), sketch and parcel description, a completed land development application and an affidavit of ownership and agency appointment. The Lot Consolidation Agreement shall be in recordable form acceptable to Manatee County and shall provide that such lots shall be

considered and developed as one (1) parcel of land, and that no portion of the parcel of land shall be transferred, devised or assigned separately, except as one (1) parcel of land. Any further subdivision of the parcel of land shall comply with this Code. This Lot Consolidation Agreement shall be deemed a covenant running with the land and shall remain in full force and effect and be binding upon the owner, any heirs and assigns.

902.4.2. *Review.* Review by ~~Planning~~ Department within a reasonable period following receipt of the application, the ~~Planning~~ Director shall approve or deny the lot consolidation, furnishing the Owner with a statement in writing of its reason for disapproval. Upon approval, the ~~Planning~~ Director shall cause the Lot Consolidation Agreement to be recorded in the Public Records of Manatee County, Florida.

902.4.3. *Effect.* Upon approval and recording in the public records, of a lot consolidation, the density of the overall subdivision development shall be calculated utilizing the consolidated parcel.