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Town of Lee Little but Proud

ARTICLE FIVE. SUBDIVISION REGULATIONS

SECTION 5-1 APPENDICES. The appendices set forth in these land development regulations are made a part hereof and shall be used where required by these land development regulations.

SECTION 5-2 POLICY.

5.2.1 It is hereby declared to be the policy of the Town Council to consider the subdivision of land and the subsequent development of the subdivision plat as subject to the control of the Town Council pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the area.

5.2.2 Land to be subdivided shall:

1. Aid in the coordination of land development in accordance with orderly physical patterns.
2. Discourage haphazard, premature, uneconomic, or scattered land development.
3. Insure safe and convenient traffic control.
4. Encourage development of an economically stable and healthful community.
5. Insure adequate utilities.
6. Prevent periodic and seasonal flooding by providing adequate protective flood control, drainage facilities.
7. Provide public open spaces and/or parks for recreation.
8. Assure land subdivision with installation of adequate and necessary physical improvements.
9. Assure that citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the subdivider of adequate and necessary physical improvements.
10. Assure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.
11. Serve as one (1) of the several instruments of implementation for the Comprehensive Plan.

SECTION 5.3 PURPOSES. It is the intent of these land development regulations to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity and general welfare of the residents of the Town.

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SECTION 5-4 CONDITIONS. Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the Town. The subdivider has the duty of compliance with reasonable conditions established by the Town Council for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the area and to the safety and general welfare of future property owners in the subdivision and of the community at large.

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SECTION 5.5 CHARACTER OF THE LAND. Land which the Town Council finds to be unsuitable for subdivision of development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated "by the subdivider and approved by the Town Council to solve the problems created by the unsuitable land conditions—.

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SECTION 5-6 JURISDICTION.

- 5.6.1 These land development regulations shall apply to all subdivisions of land, as defined herein, located within the incorporated area of the Town.(see Section 5-21)

- 5.6.2 No land shall be subdivided within any area subject to these land development regulations until:
 - 1. The subdivider or his agent has obtained approval of the final plat by the Town Council; and
 - 2. The approved final plat is filed with the Clerk of the Circuit Court of the County.

- 5.6.3 No building permit shall be issued for any parcel or plat of land, excepting model homes as noted in the following paragraph, which was created by subdivision after the effective date of and not in conformity with, the provisions of these land development regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these land development regulations.

SECTION 5.7 MAINTENANCE. Nothing in these land development regulations shall be construed as meaning that the Town Council shall take over for maintenance any road, street, utilities, public parking or other public area, or drainage facility related thereto, except those designed and built in accordance with the

Town Council's requirements and accepted for maintenance by specific action by the Town Council.

SECTION 5.8 PLATS STRADDLING LOCAL GOVERNMENT BOUNDARIES. Whenever access to the subdivision is required across land in the unincorporated area, the developer shall certify by legal instrument that access is legally established, and that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road build to same specification as all other roads required in these land development regulations.

SECTION 5.9 RESUBDIVISION OF LAND.

5.9.1 Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any public use, or any lot line, or if it affects any map or-plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Town Council by the same procedure, rules, and regulations as for a subdivision.

5.9.2 Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and where such lots could eventually be resubdivided into smaller building sites, the Town Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets and utilities. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 5-10 SELF-IMPOSED RESTRICTIONS. If the subdivider places restrictions on any of the land contained in the subdivision greater than those required by these land development regulations such restriction or reference thereto shall be required to be indicated on the subdivision plat and/or recorded with the Clerk of the Circuit Court of the County.

SECTION 5.11 SUBDIVISIONS BY METES AND BOUNDS. The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease, shall be subject to all of the requirements contained in these land development regulations. Such subdivision of any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer or lease, shall be subject to these subdivision regulations where two or more developments, which separately do not meet the literal definition of a subdivision, but demonstrate the following characteristics: (1) the same person has retained or shared control of the parcels within the developments; (2) the same person has ownership or a significant legal or equitable interest in the parcels within the developments; (3) there is common management of the developments controlling the form of physical development or disposition of parcels of the development; (4) there is a voluntary sharing of infrastructure that is indicative of common development; or (5) there is a common advertising theme or promotional plan for the parcels within the developments.

SECTION 5.12 SUBDIVISION NAME. Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat within the Town so as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same subdivider or his or her successors in title. The name

of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name. The Town Council shall have final authority to approve the name of all subdivisions.

SECTION 5.13. VACATION AND ANNULMENT OF PLATS. The vacation and annulment of plats shall be according to Chapter 177, Florida Statutes, as amended. In addition, the Town Council may, on its own motion, order the vacation and revision to acreage of all or any part of a subdivision -within its jurisdiction including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels, when: (1) the plat of which subdivision was recorded as provided by law not less than five (5) years before the date of such action, and (2) in which subdivision or part thereof not more than ten percent (10%) of the total subdivision area has been sold as-lots by the original subdivider or his successor in title. Such action shall be based on a finding by the Town Council that the proposed vacation and reversion to acreage of subdivided land conforms to the Comprehensive Plan and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and reversion of subdivided land to acreage, the Town Council shall hold a public hearing thereon, with due public notice.

No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of all or any part of the subdivision of reasonable access there from to existing facilities to which such parcel has theretofore had access; provided, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

If land in a subdivision or part thereof is proposed for reversion to acreage, the Town Council shall conduct proceedings for amending the zoning district designation of such acreage as may be deemed advisable in view of the conditions that will exist subsequent to such reversion to acreage.

SECTION 5.14 GENERAL PROCEDURES. Whenever any subdivision of land is proposed, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

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- 5.14.1 Preparation of Plats. All preliminary and final plats shall be prepared by a registered surveyor and construction plans and specifications for required improvements shall be prepared by a registered engineer. The subdivider shall present a letter to the Town Council certifying that he or she has employed a registered surveyor to prepare the plats and if construction plans are required, a registered engineer.
- 5.14.2 Classification of Subdivisions. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his or her authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision and four (4) steps for a major subdivision (see Section

2.1 for the definition of a major subdivision):

- 1. Minor Subdivision
 - a. Pre-application Conference
 - b. Final Subdivision Plat
- 2. Major Subdivision
 - a. Pre-application Conference
 - b. Preliminary Plat
 - c. Construction Plans
 - d. Final Subdivision Plat

5.14.3 Modified Procedure for Minor Subdivisions. Proposed subdivisions meeting the criteria of a minor subdivision as defined by these land development regulations in Section 2.1 shall not have to comply with Sections 5.15 and 5-16. A final plat may be prepared directly following the pre-application conference in accordance with the final plat procedure as outlined in Section 5-18.

SECTION 5.15 PRE-APPLICATION CONFERENCE. The subdivider or his or her representative shall have a pre-application conference with the Land Development Regulation Administrator and other departments or agencies as the case may require, in order that the subdivider may become familiar with the requirements of these land development regulations, and any provisions of the Comprehensive Plan affecting the land in which the proposed subdivision is located.

SECTION 5.16 PRELIMINARY PLAT PROCEDURE

5.16.1 Step 1 - The subdivider shall submit twelve (12) copies of the preliminary plat materials which have been prepared in accordance with these land development regulations to the Land Development Regulation Administrator.

5.16.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the preliminary plat materials to the Town Attorney, Town Public Works Director, County Health Department, the Water Management District and other appropriate departments or agencies as the case may require for review and comment.

5.16.3 Step 3 - Following review of- the materials by the Land Development Regulation Administrator, Town Attorney, Town Public Works Director, County Health Department, Water Management District and other agencies which received copies of the preliminary plat materials, the Planning and Zoning Board shall review the preliminary plat materials at a scheduled meeting as part of a previously prepared agenda to determine conformity with the Comprehensive Plan, these land development regulations. At the meeting, any person may appear in person or by agent. The Planning and Zoning Board shall recommend

approval, approval subject to conditions, or disapproval of the preliminary plat to the Town Council. In approving subject to conditions or in disapproving, the reasons for such action shall be stated in writing to the subdivider and the Town Council. Reference shall be made to the specific sections of these land development regulations, the Comprehensive Plan, or other ordinances or regulations with which the preliminary plat does not comply.

- 5.16.4 Step 4- After review and recommendation of the Planning and Zoning Board, the Town Council shall consider approval, approval with conditions, or disapproval of the preliminary plat at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The reasons for approving the preliminary plat subject to conditions or disapproving shall be stated in writing to the subdivider. Reference should be made to the specific sections of these land development regulations, the Comprehensive Plan, any land development regulations of the Town or other ordinances or regulations with which the preliminary plat does not comply.
- 5.16.5 The action of the Town Council shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the subdivider and the other retained in the office of the Land Development Regulation Administrator.

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- 5.16.6 Approval of the preliminary plat shall not constitute approval of the final plat. Approval of the preliminary plat shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. Any change in the number and configuration of lots and/or the addition of a new street subsequent to preliminary plat approval shall require the subdivider to re-submit the preliminary plat and follow the procedures for approval of the preliminary plat. Approval of the preliminary plat shall be valid for a period of twenty-four (24) months, but may be extended by a request from the subdivider and approval of the Town Council for a period not to exceed an additional twelve (12) months, provided the request for extension is made prior to the expiration of the initial approval period. After the expiration date, the subdivider must re-submit the preliminary plat and follow the procedures for approval of the preliminary plat.
- 5.16.7 For all subdivisions that are presumed to be developments of regional impact as provided in Chapter 380, Florida Statutes, as amended, and Chapter 28-24, Florida Administrative Code, a copy of the preliminary plat and a completed application for development approval shall be submitted to the Town Council, the regional planning agency, and the state land planning agency. A development order shall not be issued by the Town Council prior to the review and approval of construction plans as provided in Section 5-17 of these land development regulations.

SECTION 5.17 CONSTRUCTION PLANS PROCEDURES.

- 5.17.1 Step 1 - Either at the time of submission of preliminary plat

materials or following preliminary plat approval by the Town Council, the subdivider shall submit twelve (12) copies of the construction plan materials as specified herein to the Land Development Regulation Administrator.

- 5.17.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the construction plan materials to the County Road Superintendent, the Town Attorney, the Town Engineer, the Water Management District and other appropriate departments or agencies as the case may require for review and comment. The Land Development Regulation Administrator shall evaluate the comments from the appropriate departments or agencies and notify the subdivider of the status of the construction plans.
- 5.17.3 Step 3 - Following review by these agencies, the Town Council shall consider approval, approval with conditions, or disapproval of the construction plans at its next regularly scheduled meeting as part of a previously prepared agenda. The reasons for approving with conditions or disapproving shall be stated in writing to the subdivider. Reference should be made to the specific sections of these or other applicable ordinances or regulations with which the construction plans do not comply. 5-7
- 5.17.4 At this stage, if the proposed subdivision is a large one and the Town Council finds that development in stages is consistent with the intent and purpose of these land development regulations, the Town Council, with the aid of the Land Development Regulation Administrator and appropriate departments shall, if approval of the preliminary plat and construction plans has been given, work out an agreement (or agreements) with the subdivider. This agreement (or agreements) shall include, but not to be limited to, provisions for carrying out the required construction and improvements to completion and the developing of the subdivision in stages. This agreement (called the Subdivider's Agreement) shall constitute a covenant by the Town Council and the subdivider of the subdivision; the terms and conditions of which shall run with the land and be binding upon all successors in interest to the subdivider.
- 5.17.5 Approval of the preliminary plat and construction plans by the Town Council is authorization for the subdivider to proceed with site development and the installation of improvements in accordance with the approved construction plans, subject to the approval of other agencies having authority. In the event minor changes or deviations from the approved construction plans are necessary due to requirements caused by actual construction or the necessary causes, the Town Council shall authorize such minor changes or deviations. If minor changes or deviations are authorized, the subdivider shall submit new construction plan materials as specified herein.

SECTION 5-18. FINAL PLAT PROCEDURE.

- 5.18.1 Step 1 - No less than thirty (30) calendar days following approval of the preliminary plat and construction plans and while the preliminary plat approval is in effect, the subdivider shall submit twelve (12) copies of the final plat for approval to the Land Development Regulation Administrator. The final plat shall include the information required in

Section 5-38 of these land development regulations. The final plat shall also be accompanied by the materials required in Section 5-38 of these land development regulations, as well as a copy of any conditions imposed at the time of conditional approval of the preliminary plat or of the construction plans. Also, the final plat shall conform to all applicable provisions of Chapter 177, Florida Statutes, as amended.

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- 5.18.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the final plat and materials to the County Health Department, County Road Superintendent, Town Attorney, the Water Management District and other appropriate departments or agencies as the case may require for review and comment. The Land Development Regulation Administrator shall evaluate the comments from the appropriate departments and agencies and notify the subdivider of the status of the final plat.
- 5.18.3 Step 3 - Following review by these agencies, the Town Council shall consider and take action on the final plat at its next regularly scheduled meeting as part of a previously prepared agenda. The final plat shall essentially conform to the preliminary plat as approved and, at the option of the subdivider, may constitute only that portion of the approved preliminary plat which he or she proposes to record at the-time; provided however, that such portion conforms to all requirements of these land development regulations. Approval by the Town Council shall not be shown on the final plat until all requirements of these land development regulations have been met and the following conditions have been complied with:
1. Upon completion of the improvements, the Town Council or its authorized representative has inspected the construction work to determine that the work has been completed in a satisfactory manner and complies with the requirements of these land development regulations or a surety device has been posed which meets the requirements of Section 5.40;
 2. Upon completion of improvements in the subdivision, the subdivider has submitted three (3) blue line sets and one (1) reproducible set of blue prints showing "as-built" improvements;
 3. Subdivider's Agreement as required in Section 5.18 of these land development regulations has been entered into by the subdivider and the Town Council;
 4. Certificate of the Surveyor has been executed (see Section 5.38 and Appendix A);
 5. Certificate of the Subdivider's Engineer has been executed (see Section 5-38 and Appendix A) or a Certificate of Estimated Cost (see Appendix A) has been completed and a surety device has been provided by the subdivider to satisfy the requirements of Section 5.39);

6. Certificate of Approval of the County Health Department has been executed (see Section 5-38 and Appendix A); and
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7. Certificate of approval by the Town Attorney has been executed (see Section 5.38 and Appendix A).

5.18.4 Step 4 - Upon final plat approval by the Town Council, the subdivider shall submit the original and three (5) copies of the approved final plat for execution to the Land Development Regulation Administrator. The Land Development Regulation Administrator shall take the signed original and one (1) signed copy of the approved final plat to the Clerk of the Circuit Court of the County for recording. The subdivider shall pay all recording costs. Two (2) signed copies of the final plat shall be filed in the office of the Land Development Regulation Administrator.

SECTION 5.19 GENERAL IMPROVEMENTS. Where required by these land development regulations, the subdivider shall grade and improve streets; install sidewalks, street name signs, street lights, fire hydrants, and curbs and gutters; place monuments and corner stakes and install sanitary sewer and water mains and storm water facilities in accordance with the specifications of these land development regulations and any other specifications established by the Town Council. The Town Council may, if conditions warrant such action, require that improvements be designed and constructed to higher standards than are incorporated herein. All required improvements shall be paid for by the subdivider. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

1. All applicable statutory provisions.
2. The Building Code and other applicable land development regulations of the Town.
3. The Comprehensive Plan in effect at the time of submission.
4. Rules and regulations of the Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Regulation, the appropriate water Management District and other appropriate regional, State and Federal agencies.
5. Rules and regulations of the Florida Department of Transportation if the subdivision or any lot contained therein abuts a State highway or connecting street.

SECTION 5-20 MAINTENANCE AND REPAIR OF REQUIRED IMPROVEMENTS. The subdivider shall maintain and repair all improvements which these land development regulations require the subdivider to construct in the subdivision for a period of one (1) year after the completion of the same. A final plat shall neither be approved by the Town Council nor accepted for filing until the subdivider posts a maintenance bond to cover at least ten (10) percent of the estimated costs of all required improvements for

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period of one (1) year (See Appendix A). All defects which occur within one (1) year after completion of all required improvements shall be remedied and corrected at the subdivider's expense.

SECTION 5-21 SUBDIVISIONS LOCATED OUTSIDE THE CORPORATE LIMITS OF MUNICIPALITIES BUT CONNECTED TO MUNICIPAL UTILITIES. Subdivisions which are located outside the corporate limits of any municipality but are to be connected to and serviced by municipal utilities such as water, sewage, and/or natural gas shall meet all the requirements of the applicable sections of these regulations governing the design, construction, and connection of such utilities.

SECTION 5.22 MONUMENTS. The subdivider shall adhere to the requirements of Chapter 177, Florida Statutes, as amended, regarding the placement of all monuments.

SECTION 5.23 LOT IMPROVEMENTS.

5.23.1 Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with these land development regulations of the Town and other applicable regulations and in providing driveway access to buildings on such lots from an approved street.

5.23.2 Dimensions and Design. Lot dimensions, shall comply with any minimum standards as established within any land development regulations of the Town and provided, that the lot length shall not exceed three (3) times the width of lots for the location of dwelling units. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will give a better street or lot plan. The entrance of automobiles from the lot to the street shall be approximately at right angles or radial to street lines. Corner lots shall be sufficiently wider and larger to permit additional yard area. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area in accordance with approved construction plans (see Article 8 of these land development regulations).

5.23.3 Double Frontage. Double frontage and reversed frontage lots shall be prohibited except where necessary to provide separation of residential development from existing streets or to overcome specific disadvantages of topography and orientation.

5.23.4 Access. Lots shall not derive access from an existing street (except for minor subdivisions

5.23.5 Corner stakes. As a minimum, lot corners shall be staked with three eighths (3/8) or one half (1/2) inch diameter solid iron bars or pipes or suitable concrete monuments with reinforced steel, either of which must be twenty-four (24) inches long and driven so as to be flush with the finished grade.

SECTION 5.24 USE OF SUBDIVIDED LOTS. The proposed use of lots within any subdivision shall comply with those uses permitted by the Comprehensive Plan and these land development regulations. Further, whenever any land in the incorporated area of the Town, is subdivided a building

permit for the construction of a residence, commercial building or other principal structure shall not be issued for any such structure on less than a lot as platted within such subdivided land.

SECTION 5.25 PUBLIC PURPOSE SITES. The Town council may require the dedication to the public of public purpose sites (school sites, parks, playground, or other public areas) as are attributable by the Town Council to the demand created by the subdivision. At the discretion of the Town Council, the subdivider may be required to pay in cash an amount equal to the fair market value of such public purpose sites, said fair market value to be estimated on the basis of platted land without improvements.

SECTION 5-26 STREETS.

5.26.1 General Requirements.

1. The arrangements, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan, where applicable, and shall be considered in their relations to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets. All streets within a subdivision shall be dedicated to the perpetual use of the public and shall be designed and constructed in accordance with the standards established in these land development regulations. However, the Town Council may approve private streets when constructed to the specifications of these land development regulations and when adequate provision for initial installation and future private maintenance is made for such streets.

2. All work performed under these land development regulations concerning road right-of-way clearing and grubbing, earthwork, stabilizing, and construction of a base and surface course shall meet the minimum requirements of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition and amendments, where applicable unless stated otherwise herein. These specifications are intended to govern the equipment, materials, construction methods, and quality control of the work, unless otherwise provided herein. The provisions of those specifications pertaining to basis of payment are not applicable to these land development regulations.

5.26.3 Standard Improvement

5.26.3.1 Grading and Centerline Gradients shall be a maximum A B C D of eight percent (8%) and a minimum of one percent (1%).

5.26.3.2 Arterial Streets shall be improved as follows: Two A B C D (2) twenty-four (24) foot wearing surfaces with twenty (20) foot median. The subdivider shall be required to install the second twenty-four (24) foot wearing surface only in large subdivisions where projected average daily traffic generated on the arterial by the subdivision exceeds seven thousand

(7,000) vehicles. Minimum right-of-way shall be one hundred (100) feet.

- 5.26.3.3 Collector Streets shall be improved as follows:
 - A B C D 1. Thirty-six (36) foot wearing surface and minimum right-of-way of sixty (60) feet.

- 5.26.3.4 Local Streets shall be improved as follows:
 - A 1. Thirty-six (36) foot wearing surface and minimum right-of-way of fifty (50) feet.

286 NE County Road 255, Lee, Florida 32059