

[Back to Web Site](#)

Town of Lee Little but Proud

Subdivision Regulations - General Procedures

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 therefrom 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 PROCEDURE. 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:

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 regulationsregulations 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.
- 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.

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