

## ORDINANCE NO. 22-040

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, CHAPTER 121 – SUBDIVISIONS, SECTION 121-8, GENERAL PROVISIONS APPLICABLE TO SUBDIVISION OF LAND; SECTION 121-9, PLAT PROCEDURE; CITY PLANNING BOARD REVIEW; AND SECTION 121-10, PLAT SPECIFICATION; AMENDING THE PRELIMINARY PLAT SUBMITTAL REQUIREMENTS; STREAMLINING THE PRELIMINARY PLAT PROCESS; PROVIDING FOR AN OPTIONAL PRELIMINARY PLAT; AND SPECIFYING A FINAL PLAT BE CONSISTENT WITH STATE STATUE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, in August 2016, the St. Lucie County Development Review Task Force, comprising the St. Lucie Economic Development Council, the St. Lucie County Chamber of Commerce, and the Treasure Coast Builders Association (TCBA) made certain recommendations with regard to improving the governmental processes of City of Fort Pierce, and

**WHEREAS**, the recommendations of the St. Lucie County Development Review Task Force included suggested amendments to the City's plat process such that the preliminary plat be optional, and that final plat standards and requirements follow state statute, and

**WHEREAS**, the City of Fort Pierce Planning Board held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their November 14th, 2022, meeting, voted 5 to 0 to recommend approval of the request.

**NOW, THEREFORE BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1.** Chapter 121-8 through Chapter 121-10, are hereby amended so the same shall read as follows:

### **Sec. 121-8. General provisions applicable to subdivision of land.**

It is the intent in the application of this chapter that the following shall apply to:

- (1) Any person proposing to subdivide land within the city into lots proposed for development or sale shall submit to the planning director a plat or plats of the proposed subdivision which shall conform to all requirements set forth in this chapter.
- (2) Any construction work undertaken on the proposed subdivision site prior to the receipt of ~~final preliminary~~ plat approval from the city commission shall be at the sole risk of the developer.
- (3) No plats or plat of a proposed subdivision shall be recorded in the office of the clerk of the circuit court of the county until such plat or plats shall have received final approval, as certified herein, from the city commission.
- (4) No land dedicated as a public street shall be accepted, opened, or improved nor shall any utilities or other facilities be installed therein, unless such streets shall have been accepted or opened as, or otherwise shall have received the legal status of, a public

street prior to the adoption of this chapter, or unless such street corresponds in its location and lines with a street shown on a plan approved by the city commission or on a plan made and adopted by said commission; provided, however, that the city commission may locate or construct or may accept for construction any other streets.

- (5) No building permit shall be issued for, and no building or other structure shall be erected on, any lot unless such lot has legal description and access to a street which shall have been accepted or opened as, or shall have otherwise received the legal status of a public street.

(Code 1983, § 18-8; Ord. No. J-04, § 1, 2-18-1992)

**Sec. 121-9. Plat procedure; ~~city planning board review.~~**

- (a) Preliminary plat approval. The subdivider may choose to proceed to Final Plat Review notwithstanding a submittal of a preliminary plat.

- (1) The subdivider shall submit five copies of the preliminary plat to the planning director.
- (2) The planning director will distribute the preliminary plat to all affected departments or agencies, including, but not limited to, the engineering department, public works department and utilities director. After review by the planning director and other affected departments and agencies, and when in compliance with city rules and regulations governing same, the preliminary plat will be forwarded to the planning board for determination review.

- (3) The city planning board shall review the proposed plat and make a determination of approval or denial. ~~recommendation to the city commission.~~ If the board recommends disapproval, the reason shall be stated.

- ~~(4) The city commission shall hold a public hearing and approve, approve with conditions, or disapprove the preliminary plat.~~

- ~~(5)~~(4) Prior to submittal of the final plat, Mminor revisions to the preliminary plat may be approved by the planning director provided that such amendments do not involve an increase in the land area to be subdivided or an increase in the total number of lots to be created.

- (b) Final plat approval.

- (1) The subdivider shall submit five copies of the final plat to the planning director for approval of compliance with subdivision regulations.
- (2) The planning director will distribute the final plat to affected departments and agencies, including, but not limited to, the engineering department, public works department and utilities director prior to forwarding the final plat to the city commission. After review by the planning director and other affected departments and agencies, and when in compliance with city rules and regulations governing same, the final plat will be forwarded to the city planning board for review.

- (c) The city planning board shall consider whether the following standards have been met in its review of the application:

- (1) Adequate vehicular access and traffic circulation to each lot in the proposed subdivision.
- (2) That adopted levels of service (LOS) standards in the comprehensive plan are not adversely impacted by the proposed plat. If such standards are negatively affected that appropriate mitigation plans as described in this chapter are also included in the proposed plat.

- (3) That other applicable comprehensive plan policies are addressed by the proposed plat.

- ~~(d) The city commission shall hold a public hearing and approve, approve with conditions, or disapprove the final plat.~~

(Code 1983, § 18-9; Ord. No. J-04, § 1, 2-18-1992)

**Sec. 121-10. Plat specification.**

- (a) Preliminary plat specifications.

- (1) The preliminary plat shall represent the entire area which the subdivider contemplates developing, including possible unit divisions not scheduled for immediate development.
- (2) Five copies of the preliminary plat shall be submitted along with the application for preliminary plat approval to the planning director.
- (3) The preliminary plat shall be prepared by a land surveyor registered in the state and shall contain the following information:
  - a. Proposed name of the subdivision.
  - b. Name and address of owner of record.
  - c. Name, and address ~~and telephone number~~ of subdivider.
  - d. Scale, north arrow, and the date plat was drawn.
  - e. Boundary lines of the tract indicated by a heavy line giving approximate dimensions.
  - f. Boundary lines of lots, the aApproximate number of lots, and typical lot sizes. ~~g. Divisions or state development, if any, proposed by the subdivider.~~
  - ~~h. Natural and manmade features within the proposed subdivision, including drainage, channels, bodies of water, or other significant features.~~
  - ~~i. Contour lines, having a one-foot interval.~~
  - ~~j. Development features such as rights-of-way and pavement widths, easements including their purpose and width, other dedications including their purpose.~~
  - ~~kg. Names of adjacent platted subdivisions.~~
  - ~~l. Names of adjacent unplatted property owners.~~
  - ~~m. Location and size of nearest water, sewer and storm drainage lines that will serve the subdivision.~~
  - ~~n. Certificate of preliminary plat preparation.~~
  - ~~o. Vicinity sketch showing the relation of the proposed subdivision to adjoining property and the city.~~
  - ~~p. Name and address of the engineer and/or surveyor who prepared the plat and design improvements be listed on the preliminary plat.~~
  - ~~q. Certification from the developer's engineer whether federal, state, or local agencies have jurisdiction over the proposed project.~~
- ~~(4) After the preliminary plat has been approved by city commission, and before~~ Prior to the submission of a the final plat, the following detailed plans prepared by an engineer registered in the state, shall be submitted to the planning director for review and distribution to affected departments and/or agencies:
  - a. Two sets of construction plans of the proposed streets, including storm sewer and sanitary sewer and will show the following:
    1. All lateral widths.
    2. Centerline profile grade relative to elevations of adjacent properties at the right-of-way line.
    3. Elevations at points of grade (tangent).
    4. Curve data for horizontal and vertical curves.
    5. Pipe size, grade and location of manholes, and inlets.
    6. Stationing at intervals of 100 feet, minimum, and all of new construction.
  - b. Two sets of construction plans of the proposed water system that will serve the subdivision showing the size and location of mains and services.
  - c. Construction plans be drawn on profile paper having sheet size of 24 inches by 36 inches. Also, that plans be drawn at as large a scale as practicable.
  - d. Two sets of drainage plans, which may be part of the construction plans, and which shall conform to drainage requirements found in the South Florida Water Management District Permit Information Manual, Volume IV.

- (5) Approval of the plans specified in subsection (a)(4) of this section must be received before construction commences.
  - (6) Whenever city utility authority electrical energy is proposed to be used, the subdivider shall consult with the utilities authority. The utilities authority shall arrange for the furnishing of electrical energy in accordance with the regulations of the city utility authority.
  - (7) Whenever city utility authority gas energy is proposed to be used, the subdivider shall consult with the utilities authority. The authority shall arrange for the furnishing of gas energy in accordance with the regulations of the city utility authority.
- (b) Final plat specifications.
- (1) ~~If a preliminary plat has been approved, then~~ The final plat shall substantially conform to the preliminary plat; it may, however, represent only that portion of the approved preliminary plat which the subdivider proposes to develop and record at any one time, provided that such portion conforms to the requirements of this chapter.
  - (2) The submittal of the final plat shall consist of the original drawing, and two Mylar reproducible prints thereof. The submission shall be to the planning director.
  - (3) The final plat shall be clearly and legibly drawn at a scale no less than one-inch equals 50 feet and shall be on sheets no smaller than 24 inches by 36 inches.
  - (4) In all other respects tThe final plat shall conform to the requirements of Florida Statutes Chapter 177 – Plats made for recording, contain the following information: and include the certificate, as specified in subsection (c)(2) of this section.
    - a. ~~Name of subdivision.~~
    - b. ~~Name of subdivider.~~
    - c. ~~Date of survey, date of plat drawing, graphic scale, north arrow.~~
    - d. ~~Indication of reference bearings.~~
    - e. ~~Location of tract (township, range, section) and acreage.~~
    - f. ~~Index map, if more than one sheet is required to present map.~~
    - g. ~~Boundaries of the tract with distances measured to the nearest 1/100 foot and angles to the nearest second. Tract boundaries shall be determined by accurate survey in the field.~~
    - h. ~~Location of right-of-way widths, and names of all streets within and immediately adjoining the plat. Street name duplications shall be avoided, and all street names approved by the city commission.~~
    - i. ~~Lot lines with dimensions to the nearest 1/100foot.~~
    - j. ~~Location of all permanent tract boundary monuments.~~
    - k. ~~Blocks lettered alphabetically or numbered numerically; within each block, lots or sites numbered in numerical order.~~
    - l. ~~Location dimensions and purposes of: Easements; public service utility right-of-way lines, areas (other than streets) to be reserved, donated, or dedicated to public use; sites for other than residential use with notes stating their purpose and limitations; and any areas to be reserved by deed covenant for common uses of all property owners within the subdivision.~~
    - m. ~~Certificates, as specified in subsection (c)(2) of this section.~~
- (c) Plat certificates.
- (1) The following certificates are required for a preliminary plat:
    - a. Appropriate space shall be provided on the preliminary plat for the following certificate:

CITY COMMISSION CERTIFICATE:

"Pursuant to the provisions of the Fort Pierce City Commission this plat was given Preliminary Approval by the City Commission at a meeting held on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk"

(2) The following certificates are required for final plat approval:

- a. Before a final plat is submitted the subdivider shall have stamped or printed thereon, and signed, substantially as follows:

SURVEYORS CERTIFICATE:

"I hereby certify 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, and their location, size, type and material adhere to the requirements of Chapter 177 Florida Statutes. \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Registered Land Surveyor"

CERTIFICATE OF FINAL APPROVAL BY THE CITY COMMISSION:

"Pursuant to the provisions of the Fort Pierce City Commission this plat was given Final Approval by the City Commission at a meeting held on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk"

OWNER'S ACKNOWLEDGMENT:

- (i) Must follow F.S. § 177.081.
- (ii) Dedication. In connection with the description there shall be a dedication of the plat by the owners, whose signatures must be witnessed, and their executions of the dedication must be acknowledged in the same manner as deeds conveying lands are required to be witnessed and acknowledged; and in all cases the title, caption and dedication must agree. In case the dedication is to be made by a corporation then it shall be signed by the president or a vice-president, and by the secretary or an assistant secretary, respectively, of the corporation, by and with the authority of its board of directors.

**SECTION 2.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

**SECTION 4.** This Ordinance shall be and become effective immediately upon final passage.

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 22-040 was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on Sunday, December 4, 2022 and Sunday, January 1, 2023; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on December 19, 2022; and was duly introduced, read by title only, and passed on second and final reading January 3, 2023, by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HERewith**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 3<sup>rd</sup> day of January, 2023.

\_\_\_\_\_  
Linda Hudson  
MAYOR COMMISSIONER

ATTEST

\_\_\_\_\_  
Linda W. Cox  
CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM AND  
CORRECTNESS:

\_\_\_\_\_  
Tanya Earley  
CITY ATTORNEY