

**ORDINANCE NO. 23-NNN**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, CHAPTER 121 – SUBDIVISIONS, SECTION 121-4 DEFINITIONS, 121-5 COMPLIANCE WITH CHAPTER AND SPECIFIED STATUTES, SECTION 121-9 PLAT PROCEDURE; AND SECTION 121-10 PLAT SPECIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Fort Pierce, though the plat process regulates the subdivision of land within the city into lots which are proposed for development or sale, and

**WHEREAS**, the existing process of plat review is confusing and offers limited benefit from the preliminary plat process to property owners and developers, 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 \_\_\_\_\_, 2023, meeting, voted \_\_\_\_\_ to recommend \_\_\_\_\_ of the request.

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

**SECTION 1.** Section 123-4, Section 123-5, Section, 123-9 and Section 123-10 are hereby amended so the same shall read as follows:

#### **Sec. 121-4. Definitions.**

Except as defined herein, all words used in this chapter have their customary dictionary definition. Words in the present tense include the future. Words in the singular include the plural, and words in the plural include the singular. The term "building" includes the term "structure." The term "shall" is mandatory; the term "may" is permissive. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Block.* means a group of contiguous lots within a subdivision.

*Building setback line.* means a line across a lot establishing the minimum distance to be provided between the building and the property line.

*Easement.* means a grant by the property owner of a strip or parcel of land for specified purposes.

*Lot.* means a portion or parcel of land separated from other portions or parcels by description as on a subdivision plat, or record of survey map, or as otherwise described, and intended for transfer of ownership or for building development. For purposes of this chapter, the term "lot" does not include any portion of a dedicated street right-of-way.

*Lot, corner.* means a lot abutting upon two or more streets at their intersection.

*Lot, double frontage.* means a lot other than a corner lot, abutting two streets.

*Lot, interior.* means a lot other than a corner or double frontage lot.

*Minor replat.* means any division or redivision of a parcel of land into two separate lots or parcels which conform to the requirements of this chapter and all other applicable city codes.

*Plat, final.* means a drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

~~*Plat, preliminary,* means a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its workability in accordance with sections 121-9 and 121-10, but is not in final form for recording and the details are not completely computed.~~

*Street.* means a dedicated and accepted right-of-way for vehicular traffic, whether designated as a highway thoroughfare, expressway, avenue, boulevard, road, lane or other. Following are definitions intended to distinguish between categories of streets as used in this chapter.

*Collector streets.* means those which are intended to carry traffic from minor streets to and from the major streets and expressways, and usually include the principal entrance and circulation streets within a subdivision.

*Cul-de-sac.* means a street having one end open to traffic, the other end being terminated by a vehicular turnaround.

*Expressways.* means high-capacity streets from which access to abutting property is prohibited, and which are intersected at specified locations by major and collector streets.

*Major streets.* means those which are designed or designated by an official public agency as streets being capable of carrying large volumes of fast moving traffic.

*Marginal access streets.* means minor streets parallel to and adjacent to major streets or expressways, providing access to abutting properties and protection from through traffic.

*Minor streets.* means those which are used primarily for access to abutting properties, and usually radiate from collector streets.

*Subdivider.* means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including any agent of the subdivider.

*Subdivision.* means any division or redivision of a parcel of land into three or more parcels and intended for future or immediate sale, legacy, or building development. However, the following are not defined as subdivisions for the purpose of this chapter. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots adhere to the standards of the city.

\*\*\*\*\*

**Sec. 121-5. Compliance with chapter and certain specified statutes, etc.**

It shall be unlawful for any person, being the owner, agent or person having control of any land within the city, to subdivide and plat such lands into lots, except by a plat in accordance with the regulations contained herein, and in accordance with the following:

- (1) F.S. ch. 177.
- (2) Regulations of St. Lucie County concerning recording plats.
- (3) Regulations of the clerk of the circuit court of the county regarding the recording of plats.
- (4) Regulations of all federal, state and local authorities having statutory jurisdiction.
- (5) Standards for minimum lot width, depth, and size, including standards in section 121-11(g).
- (6) All subdivision proposals shall include base flood elevation data.
- (7) Chapter 119 of this Code of Ordinances – Stormwater Management and Site Development Technical Regulations.

Whenever the provision of the ordinance or statute of any governmental authority having jurisdiction applicable to the same subject matter, that requiring the highest or more strict standard shall govern.

\*\*\*\*\*

**Sec. 121-9. Final Plat procedure.**

- (a) 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.
- (b) 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, then appropriate mitigation plans as described in this chapter shall be included in the proposed plat.
  - (3) That other applicable comprehensive plan policies are addressed by the proposed plat.
- (c) The city commission shall hold a public hearing and approve, approve with conditions, or disapprove the final plat.

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

- (a) Final plat specifications.
- (1) The final plat shall be prepared by a land surveyor registered in the state and shall contain the following information:
    - (2) Proposed name of the subdivision.
    - (3) Name and address of owner of record.
    - (4) Name and address of subdivider.
    - (5) Scale, north arrow, and the date plat was drawn.
    - (6) Boundary lines of the tract indicated by a heavy line giving approximate dimensions.
    - (7) Boundary lines of lots, the approximate number of lots, and typical lot sizes.
    - (8) Names of adjacent platted subdivisions.
  - (9) The applicant shall submit the application for the final plat to the planning director for review and distribution to affected departments and/or agencies.
  - (10) The applicant will be responsible for a charge in respect of a review of the final plat by the city's consultant. Payment of such fee shall be completed prior to approval of the final plat.
  - (11) 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.
  - (12) 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) Mylar print specifications.
- (1) Upon final approval by the city commission, 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.
  - (2) 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.

(3) In all other respects the final plat shall conform to the requirements of F.S. ch. 177—  
Plats made for recording, and include the certificates, as specified in subsection (c)(1)  
of this section.

(c) Plat certificates.

(1) 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. **23-NNN** was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on Sunday, \_\_\_\_\_, 2023 and Sunday, \_\_\_\_\_, 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 \_\_\_\_\_, 2023; and was duly introduced, read by title only, and passed on second and final reading \_\_\_\_\_, 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 \_\_\_\_ of \_\_\_\_\_, 2023.

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

ATTEST

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

(CITY SEAL)

APPROVED AS TO FORM AND  
CORRECTNESS:

\_\_\_\_\_  
Sara Hedges, Esq.  
ACTING

