

issued, nor shall any city services be rendered, until a final plat or lot split for such impacted land has been approved and recorded pursuant to requirements herein stipulated.

- (d) *Creation of subdivision by joint owners of land.* Where it may subsequently become evident that a subdivision is being created by the recording of deeds by metes and bounds description of tracts of land, the city may, at its discretion, require all the owners involved to jointly file a plat of the subdivision being so created or require all owners of record to jointly conform to the applicable provisions of this article as are requisite for the issuance of building permits or the furnishing of any city service.

Sec. 4-14. Deeds, covenants and other private restrictions.

It is not intended by the provisions of these regulations to repeal, abrogate, annul, or in any way, impair or interfere with private restrictions placed upon property by deed, covenant, or private agreement, except that where this article imposes higher standards than imposed by such deeds, covenants or private agreements, then the provisions of this article shall apply. The city shall not be responsible for enforcement of such deeds, covenants or agreements.

Sec. 4-15. Reserved.

Sec. 4-16. Lot splits.

- (a) *Lot splits, other than condominium plats.* Lot splits, other than condominium plats, shall be reviewed and approved by the SPRC, subject to the conditions set forth in this subsection. Such approval shall include waiver of bonding, preconstruction conference and other criteria for final plat recording, construction and acceptance of improvements, as appropriate. Condominium plats shall be subject to review and approval of the city commission.
- (1) The division of land increases the number of lots by no more than one (1).
 - (2) The newly created lots must have at least thirty-five feet (35') of frontage on an existing right-of-way or conforming private access road. The minimum lot width of the zoning district must be met when measured at the front yard setback.
 - (3) Utilities are available and additional services or granting of new easements for new main trunk lines is not required.
 - (4) The newly created lots must meet all of the dimensional standards of the zoning district of the subject property and must have no encumbrances on the subject property that would render the newly created lots undevelopable.
 - (5) The lot split shall not cause existing structures on the property to become nonconforming with regard to the setbacks of the zoning district or the approving plat.

- (6) No more than one (1) lot split is permissible for one (1) parcel within a three-year (3) time period, as determined from the date of the approving lot split.
- (b) *Application contents.* Application for lot splits for property zoned REA, Rural Estate Agricultural District, which divide a ten-acre (10) parcel into two (2) five-acre (5) parcels, shall include the following:
- (1) Letter from owner requesting the lot split and explaining the future use of the two (2) parcels created, and processing fee.
 - (2) Current survey showing proposed lotting, including dimensions and area calculations and the location and size of water, sewer and reclaimed water lines, if any, flood zones and wetlands. Where the developer will not be extending water and/or sewer mains or improving roads for acceptance of maintenance by the city, the following statement shall appear in bold, capital letters on the deed or survey:

"No Governmental Agency, Including the City of Ormond Beach, Shall Ever be Responsible for the Maintenance, Upkeep or Improvement of any Private Drives, Roads, Streets, Easements, or Rights-of-Way Providing Ingress and Egress to the Property Herein Conveyed. Nor Shall Water or Sewer Mains be Extended by the City or Rights-of-Way Improved, Except in Conjunction with an Assessment District Created at the Discretion of the City, Where Such District is Requested by No Less than fifty percent (50%) of the Property Owners."
- (c) *Condominiums.* Where title to the land areas of the entire parcel is to remain under single ownership with only building footprints shown, a plat showing such common areas and building footprints along with HOA documents shall be filed for review and approval of the city attorney and recorded in accordance with the procedures of the state statutes.
- (d) *Required information.* All proposed lot splits, except those associated with a condominium, shall be submitted to the planning department for review by the SPRC. The applicant shall provide the following information:
- (1) A survey prepared by a public surveyor and mapper (PSM) indicating the legal description of the parent parcel, boundaries, dimensions, easements, rights-of-way, utilities, topography, location of existing buildings and other pertinent information including, but not limited to, wetland boundaries and location of specimen and historic trees. The survey shall be required to be signed, sealed, dated and certified to the city.
 - (2) A proposed lot layout indicating the location, dimensions, existing buildings and setbacks, and lot area of the proposed lots created by the lot split. The lot layout shall contain a legal description of each newly created lot.
 - (3) Proof of ownership and appointed agent's authorization reflecting that the applicant may proceed with the proposed lot split.

Condominium lot splits shall be reviewed as part of the site plan process.

- (e) *Approval and recordation.* The SPRC shall review the proposed lot split for compliance with the criteria listed in this subsection. Once the SPRC members determine that the proposed lot split complies with the aforementioned criteria, then the planning director shall issue to the applicant an administrative order authorizing the applicant to proceed with the lot split. The administrative order shall be in a form that is reviewed and approved by the city attorney and shall be recorded in the public record of the county. There shall be a statement in the order clearly indicating that further division of the lots created by the lot split will require the approval of the city subject to the subdivision regulations in effect at the time of future, additional divisions. The order shall expire within one (1) year of issuance if the applicant has not recorded the lot split with the county property appraiser's office.

Sec. 4-17. Preliminary plat approval procedures.

- (a) *Preapplication procedures.* Prior to making application for preliminary plat approval, the applicant for subdivision approval shall meet with the SPRC to discuss, informally, preliminary concepts and sketches of the proposed subdivision and their relationship to these regulations. This procedure is mandatory and is intended to provide an opportunity for the applicant to receive staff assistance and advice prior to expending funds for preparing a preliminary plat. Applicants for a subdivision that is part of a rezoning to a planned development shall reference chapter 2, article I of this Land Development Code, for the requirements of the conceptual development plan required for planned development zonings. These procedures provide an opportunity for the applicant to become thoroughly familiar with the subdivision requirements and adopted comprehensive plan policies and land development regulations affecting the area in which the proposed subdivision lies. All applicants requiring a subdivision approval shall be subject to the following preapplication procedures:
 - (1) *Application.* The applicant shall submit a written preapplication to the planning director for review by the site plan review committee, as described in article I of this chapter, site plan review procedures. The preapplication shall contain a written statement and sketch plan reflecting the proposed subdivision.
 - (2) *Staff review.* The planning director shall distribute copies to the city engineer and the SPRC members for review and comment. Any opinion set forth by the staff shall be advisory only of the design of the improvements required by this Land Development Code.
- (b) *Preliminary plat procedures.* The purpose of the preliminary plat is to present the proposed subdivision in an exact and precise manner in order that it may be evaluated pursuant to this Land Development Code.
 - (1) *Preliminary plat application.* Application for a preliminary plat approval shall be submitted to the planning department utilizing the application form provided by that department and shall be accompanied by all appropriate review fees as contained in chapter 1, article IV of this Land Development Code.

(2) *Preparation.* All preliminary plat and plans shall be prepared by a professional authorized and licensed by the state to design and prepare subdivision plats and plans. The plat shall be clearly and legibly drawn or reproduced at a scale no smaller than one inch equals one hundred feet (1" = 100'), or other scale approved by the planning director, and shall include information as required by appropriate state and county requirements.

(3) *Required information.* Applicants seeking approval of preliminary plat, who are not going to initiate construction prior to recording the final plat, shall include the following information. Applicants seeking to initiate construction prior to the recordation of the final plat shall provide the information listed below and the information requirements contained in section 4-18(8)b.

a. *Site and development data.*

1. Name of project, and name, address, telephone number of the developer, professional land planners, architects, engineers, landscape architects or other professionals. All plan sheets are to be sealed, as appropriate.
2. Date of plan, north point, graphic scale.
3. Tract boundaries and total acreage in tract.
4. Statement describing in detail the character and intended use of the development.
5. Current survey prepared by a licensed state land surveyor and certified to the city, showing city limit lines (if any), property lines, easements, streets, railroads, utility transmission lines, storm sewers, ditches and culverts, sanitary sewers, water mains, bridges, buildings and bulkheads, bulkhead lines, water bodies, flood hazard areas and wetlands.
6. Typical street cross sections; type of curbing.
7. Statement regarding proposed irrigation system for any common areas.
8. Map showing location and acreage of areas in floodplain and areas to remain at natural grade.
9. Vicinity map at maximum scale of one to four hundred feet (1:400') showing the relationship of the proposed subdivision to the surrounding area, zoning classifications on adjoining properties, names of adjoining property owners and land uses. This may be submitted on a separate sheet.
10. A soils report based on one (1) percolation test per ten (10) acres and one (1) or more eight-foot (8') deep soil borings at a percolation test site.
11. Tabulations of total gross acreage in the project; acreage in classified wetlands; acreage in flood hazard areas.