

**VOLUSIA COUNTY
LAND DEVELOPMENT
LAND DEVELOPMENT CODE, ORDINANCE 88-3
SUBDIVISION APPLICATION CHECKLIST AND PROCEDURES**

ARTICLE II - SUBDIVISION PLAT APPROVAL PROCEDURES

All applications shall be submitted to Land Development. No application will be accepted unless all fees have been paid and all exhibits and plans, as required below, have been supplied. A determination of acceptance or rejection of the application shall be made within three (3) working days of filing. Applications to be approved by the Development Review Committee (DRC) will be considered in accordance with a schedule adopted by the DRC. A notice of the time, date and place of the meeting will be sent to the applicant.

All developers seeking subdivision approval shall first submit a Sketch Plan Review (SKP) application unless the developer elects to skip the SKP and proceed initially to the Overall Development Plan (ODP) stage. If the SKP review is omitted, the DRC shall consider the extent to which the flood prone area shall be developed in accordance with Section 203 during the ODP review stage.

I. Sketch Plan Procedures

For an SKP, submit an application and fifteen (15) copies of the following exhibits: Note: Seven (7) additional copies of the Plan are required if the project is within the City of DeBary:

A Sketch Plan shall be drawn to a scale no smaller than 1" = 200'.

- (1) Vicinity map at a scale no smaller than 1" = 2,000' with sufficient information to locate the property in the field.
- (2) Total acreage and project density.
- (3) Flood prone area (if applicable).
- (4) Water bodies or courses.
- (5) Swamp or wetland areas as defined herein.
- (6) Specific soil types and their limitations for planned use. Soil information is to be taken from the most recent Soil Survey of Volusia County, Florida. The soil types and boundaries shall be delineated on the plan.
- (7) Graphically depict on plan, predominant plant communities and identify types by common name and location.
- (8) Parcel number according to Volusia County Property Appraiser's Office.
- (9) Topography of the site at not more than five (5) foot vertical contour intervals based on mean sea level data furnished by a professional engineer or surveyor. The topographical survey shall be consistent with current land development.
- (10) Tentative layout of street system, lot patterns, drainage systems, approximate subdivision boundaries and existing zoning.
- (11) Areas that may be reserved for parks or recreation sites, conservation easements, or natural open space areas.
- (12) Streets adjacent to the tract including rights-of-way and pavement widths, and driveways on both sides of adjacent streets within 300' of proposed development.
- (13) Lots and blocks of adjacent recorded plats, giving plat book and page number along with names of such plats.
- (14) Current zoning and existing uses of subject property and of adjacent and surrounding properties.
- (15) Proposed location of water and wastewater treatment facilities.
- (16) Name of sewer and potable water suppliers.
- (17) All existing on-site or adjacent easements including, drainage, electricity, gas, water, wastewater, or other pipeline or utility easements.
- (18) The legal description of the property proposed for platting.

- (19) Any other appropriate information thought necessary by the prospective applicant to make a schematic presentation.
- (20) Identify known wildlife corridors for Federal and State endangered species, threatened species or species of special concern.
- (21) Identify known plants and animals which inhabit the site that are listed as Federal and State endangered species, threatened species or species of special concern.
- (22) Identify known historic or archaeological sites.
- (23) Non-Concurrency Affidavit.

A SKP shall be considered by the DRC at a regularly scheduled meeting, and, if in the City of DeBary, scheduled for a City Council meeting with a recommendation from the DRC. The applicant or his representative should be present at the meeting. Written comments and recommendations concerning level of development in any flood prone areas and other issues concerning the SKP will be given to the applicant at or before the meeting, as available. If the applicant is aggrieved by the DRC's flood prone determination, an appeal from only the flood prone determination may be made to the County Council by filing a Notice of Appeal with Land Development. All other issues relating to the SKP are advisory only for the purpose of assisting the developer in preparing subsequent applications and are not subject to appeal.

For the purposes of Concurrency Testing, an SKP is also defined as a Preliminary Development Order pursuant to Article XIV of the Land Development Code. The developer must submit a Non-Concurrency Affidavit to defer any Concurrency determination until a subsequent Development Order application.

The DRC may approve, approve with conditions, continue or deny the SKP application. Revised plans may be required to be submitted in order to resolve any conditions of the DRC's determination. After approval of the SKP, the developer may file an Overall Development Plan Development Order (ODP) application. The ODP application must be consistent with the approved SKP Development Order.

II. Overall Development Plan Procedures

For an ODP, submit an application and fifteen (15) copies of the following exhibits: (Note: Seven (7) additional copies of the Plan are required if the project is within the City of DeBary):

- (1) All items required for Sketch Plan review under Subsection 203.02.
- (2) General information:
 - (a) Name of subdivision; name, address, telephone number of the subdivider, subdivision designer, professional engineer and registered surveyor.
 - (b) Date of survey and schematic plan preparation, north point and graphic scale.
 - (c) Total acreage in tract, acreage in public or other land usage, total number of lots, linear feet in streets and project density.
 - (d) Names and location of adjoining subdivisions and streets.
 - (e) Other supplemental materials or any deed restrictions or protective covenants for the subdivision and any other information considered by either the applicant or the DRC to be pertinent to the review of the ODP.
- (3) Existing Site Data
 - (a) City limits lines (if any), property lines, rights-of-way, pavement widths, easements, streets, driveways, railroads, utility transmission lines, storm sewers, ditches and culverts, sanitary sewers, water mains, bridges, buildings, bulkhead and bulkhead lines.
 - (b) Wooded, wetland, and one hundred year flood plain areas, marshes, water courses, ponds, and other similar conditions affecting the site.
 - (c) Topography of the site at not more than two (2) foot vertical contour intervals based on mean sea level data furnished by a professional engineer or surveyor.
- (4) Proposed Site Data
 - (a) Street rights-of-way and pavement widths.
 - (b) Other rights-of-way or easements.
 - (c) Schematic plans of all underground utilities, including but not limited to, sanitary sewers, storm sewers, water lines or electric lines if located underground. Schematic details

indicating proximity and/or connections to existing systems or proposals for development of new systems. **Note: Any proposed removal of fill from the overall subdivision property (i.e. in connection with the creation of retention areas) will require a Special Exception.**

- (d) Proposals for dikes or any created water bodies or changed water courses.
 - (e) Locations of bulkheads and bridges; if any.
 - (f) Typical lot dimensions.
 - (g) Parks, school sites, and other public uses, if any.
 - (h) Designation of areas to be used for purposes other than residential and public, if any.
 - (i) Surface drainage patterns with direction of flow and method of disposal on site and off site.
 - (j) Approximate spot elevations sufficient to indicate proposed grading of the streets and landscapes.
 - (k) Plans and information pursuant to all other applicable Articles of the Land Development Code.
- (5) Non-Concurrency Affidavit
For the purpose of Concurrency Testing an ODP is also defined as a Preliminary Development Order pursuant to Article XIV of the Land Development Code. The developer must submit a Non-Concurrency Affidavit to defer any Concurrency determination until the Final Development Order application.

Upon issuance of the ODP Development Order, the developer may file a Preliminary Plat and Construction Plan (PPL) application. The PPL application must be consistent with the approved ODP Development Order.

III. Preliminary Plat Procedures

For a PPL, submit an application and fifteen (15) copies of the following exhibits: (Note: Seven (7) additional copies of the Plan are required if the project is within the City of DeBary):

- (1) General Information
 - (a) All plans shall be submitted on 24" X 36" sheet sizes.
 - 1. Construction plans shall be submitted in a format and scale approved by the County Development Engineer (CDE).
 - 2. A Preliminary Plat shall be submitted in the same format as required for final plats by Chapter 177, Florida Statutes and by the applicable provision of this Ordinance.
 - 3. The certificates outlined in Appendix "A" of the Land Development Code should be on Sheet #1 of the Preliminary Plat. The signatures of the City Manager, the City Clerk, and the Mayor will replace the County signatures if within the City of DeBary.
 - (b) A survey of the subject property prepared by a registered surveyor containing the legal description of the subject property and the surveyor's certificate of accuracy.
- (2) Proposed Site Data and Construction Details
 - (a) Street rights-of-way, pavement widths, grades and elevations, street names, plans, profiles and, when requested by the County Development Engineer (CDE), cross-sections.
 - (b) Other rights-of-way or easements including locations, dimensions and purposes.
 - (c) Plans for all underground utilities, including but not limited to, sanitary sewers; storm sewers; water lines, showing connections to existing systems, or proposals for developing new water supply; storm drainage; and sewage disposal systems; storm and sanitary profiles, electrical lines, and, when required by the CDE based on site conditions, cross-sections; and inverts and top elevations of structures. **Note: Any proposed removal of fill from the overall subdivision property (i.e. in connection with the creation of retention areas) will require a Special Exception.**
 - (d) Contour changes, dikes or any created water bodies or changed water courses.
 - (e) Bulkheads and bridges; engineering plans, and cross-sections.

- (f) Street center line dimensions, scale block and lot layouts, lot and block numbers.
- (g) Areas to be used for purposes other than residential and public; and with the purposes, location and dimensions of each indicated.
- (h) Detailed plans and information required pursuant to all other Articles of the Land Development Code.
- (I) Environmental Impact Analysis as required by Subsection 105.09, if applicable.
- (j) A reproducible copy of the proposed plat.

(3) Concurrency Certificate of Capacity Application

A PPL application will be considered in the same manner as an ODP.

For the purposes of Concurrency Testing a PPL is also defined as a Final Development Order pursuant to Article XIV of the Land Development Code. The developer must apply for a Concurrency Certificate of Capacity at the time of submittal of the PPL application. The Concurrency determination will be made by the DRC concurrently with the PPL review.

The DRC will approve, approve with conditions, continue or deny the PPL application. A revised application may be required in order to resolve any conditions prior to issuance of the PPL Development Order. Upon issuance of the PPL Development Order the developer may apply for a Final Plat (FPL) application. The FPL application must be consistent with the approved PPL Development Order.

Also, upon issuance of the PPL Development Order, the developer may elect to proceed with construction of the required improvements in the subdivision concurrently with review of the FPL application. Prior to commencement of construction, the developer shall submit a letter to Land Development which authorizes the County to go upon the subdivision property for the purposes of conducting periodic inspections of the construction and shall pay an inspection fee based on the total construction costs of the required improvements, including landfill. The amount of the construction costs shall be certified by the developer's engineer and verified by the County Development Engineer.

IV. Final Plat Procedures

For an FPL, submit an application and fifteen (15) blueline copies of the following exhibits: (Note: Seven (7) additional copies of the Plan are required if the project is within the City of DeBary):

- (1) The following information shall appear on the Final Plat sheets:
 - (a) Name of subdivision, date of survey, north point and graphic scale.
 - (b) A vicinity map drawn at scale of 1" = 400', or other scale deemed appropriate by the County Development Engineer (CDE).
 - (c) Names and locations of all adjoining or interior subdivisions, city limit lines, bulkhead lines, property lines, rights-of-way and easements.
 - (d) Accurate location and legal description of all monuments, markers and control points. The legal description of the property being platted shall appear on Sheet 1 of the FPL.
 - (e) Sufficient survey data to readily determine and reproduce on the ground every straight or curved boundary line, lot line, right-of-way line, easement line, bulkhead line and setback line, including but not limited to, linear dimensions, bearings or deflection angles, radii, arcs and central angles. All dimensions shall be measured to the nearest one hundredth of a foot and all angles to the nearest second of a degree.
 - (f) All proposed rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated.
 - (g) Areas to be used for purposes other than residential and public, if any, with the purpose, location and dimensions of each indicated.
 - (h) Lot and Block numbers, street names and all rights-of-way or easement widths.
 - (I) The appropriate certificates as set forth in Appendix "A" of the Land Development Code shall appear on Sheet #1 of the Final Plat, including: Dedication, Joinder and Consent to Dedication, all required acknowledgments, Certificate of Surveyor, Certificate of Approval by County Registered Land Surveyor (RLS), Certificate of Approval by County Council (or

City Council), Certificate of Approval by Land Development Manager and Certificate of Clerk.

- (j) The FPL shall include such additional information as may be required by Chapter 177, Florida Statutes, as amended.
 - (k) An 8 ½" x 11" copy of the proposed plat.
- (2) The following information shall be provided on sheets separate from the FPL:
- (a) Name, address and telephone number of the subdivider, subdivision designer, professional engineer, registered surveyor, abutting property owners and mortgagees of the property.
 - (b) A Title Opinion which meets the requirements of Chapter 177 of Florida Statutes as amended.
 - (c) Any deed restrictions or protective covenants, with the appropriate filing fees.
 - (d) Such engineering plans, cross sections, plan and profile drawings of streets, bulkheads, bridges, sidewalks, walkways and bicycle facilities, water distribution systems, water treatment plants, sewage collection systems, sewage treatment plants and storm sewer systems as required by the County.

An FPL application will be considered in the same manner as an ODP.

For the purposes of Concurrency Testing an FPL is also defined as a Final Development Order pursuant to Article XIV of the Land Development Code. The developer must have a valid Concurrency Certificate of Capacity prior to recording the Final Plat and Development Order.

The DRC may continue consideration of the application, or recommend that the County Council approve the application, subject to conditions. A revised application may be required in order to resolve any conditions. In the unincorporated area, the application and the DRC's recommendation will be transmitted to the County Manager's Office for scheduling on the next available County Council agenda for final action. The County Council will consider the application and the DRC's recommendation at a public meeting and take appropriate action as outlined in Subsection 104.08 of the Land Development Code. Notice of the final action of the County Council will be transmitted by the County Manager's Office to the Land Development Manager. Upon resolution of any conditions imposed by the County Council, the Land Development Manager will notify the developer of an intent to issue the FPL Development Order subject to resolution of any remaining conditions and for final administrative processing pursuant to Subsections 206.02 (3) and (4) and 206.03 of the Land Development Code.

Upon notification of intent to issue the FPL Development Order the developer shall submit the following to Land Development:

- (1) The original Final Plat on Mylar material. The Final Plat shall have been prepared by a currently registered land surveyor at a scale of 1"=100', or such other scale approved by the County Registered Land Surveyor. All FPLs shall be prepared on standard sheet sizes as required by Florida Statutes, Chapter 177, as amended, and shall be twenty-two inches by twenty-eight inches (22' X 28"), including a three inch (3") binding margin on the left side and a one inch (1") margin on the other three sides (THERE WILL BE NO EXCEPTIONS TO THESE DIMENSIONAL REQUIREMENTS AS THE CLERK'S OFFICE WILL NOT ACCEPT A FINAL PLAT FOR RECORDING UNLESS THESE REQUIREMENTS ARE STRICTLY ADHERED TO). To ensure legibility, all lettering upon the plat shall have a minimum height of 0.10 inches.

The following Certificates shall have been signed prior to submittal of the Final Plat: Dedication, Joinder and Consent to Dedication, all required acknowledgments, Certificate of Surveyor.

- (2) Full payment of any monies due pursuant to the approved Development Order and/or the Land Development Code.
- (3) A check payable to the Clerk of the Circuit Court for recording costs.
- (4) The LDM will obtain the required proof of payment of property taxes. Please note that after

- November 1, the current year's taxes must be paid in addition to any prior years.
- (5) If the developer has elected to construct or complete construction of the required improvements after the issuance of the FPL Development Order, the following shall be submitted in addition to (1), (2) and (3) above:
- (a) A signed and sealed professional engineer's estimate of the total construction costs (including landfill costs) or a signed contract which encompasses all proposed improvements and the construction costs of any required improvements and the construction costs of any required improvements which remain uncompleted.
 - (b) A Performance Guarantee in the amount of 115% of the total construction costs or construction costs of the improvements which remain uncompleted, in accordance with Subsection 501.01(1) of the Land Development Code, or
- (6) If the developer has elected to complete construction of the required improvements before issuance of the Final Plat Development Order the following shall be submitted in addition to (1), (2) and (3) above:
- (a) A signed and sealed professional engineer's certification that the required improvements have been completed in accordance with the approved PPL and the total construction costs (including landfill costs). If fire hydrants were installed, the professional engineer must certify that the water distribution system of the development meets the National Fire Protection Association capacity requirements for fire hydrants.
 - (b) A Maintenance Guarantee as provided in Section 501.01 in the amount of 15% of the total construction cost acceptable to the Volusia County, or City of DeBary, Legal Office and the County Development Engineer.
 - (c) One (1) Mylar and two (2) sealed bluelines of as-built construction plans by the professional engineer which encompass all required improvements. If the as-built construction plans were prepared on an appropriate CAD system, the applicant shall provide such computer disks to the LDM.
 - (d) Adequate test reports signed and sealed by a professional engineer, as required by the County Development Engineer, to assure that all improvements substantially meet Volusia County Standards and Specifications.
 - (e) If the Final Plat was prepared on a CAD system a diskette containing the final version of the Final Plat shall be submitted.
 - (f) Two (2) Mylar copies of the shop drawings of the utilities systems shall be submitted if utilities are to be provided by Volusia County.

Recording the Final Plat and Issuing the Final Plat Development Order

Upon submittal of the items required in (1) through (6) above, as appropriate, and upon a determination by the Land Development Manager that all of the conditions of the approved Final Plat Development Order have been resolved, he/she shall record the Final Plat in the Public Records of Volusia County and issue the Final Plat Development Order. After recording the Final Plat, the Clerk of the Circuit Court will make three (3) Mylar copies and a number of bluelines as determined by the LDM at the cost of the developer.

The original Mylar and one (1) Mylar copy of the Final Plat will be retained by the Clerk of the Circuit Court, one (1) Mylar copy of the Final Plat will be retained by the County Development Engineer and one (1) Mylar copy of the Final Plat will be returned to the developer. Blueline copies of the Final Plat will be transmitted to the appropriate staff, and one (1) copy will be retained by Land Development.

Note: If the project is within the City of DeBary one (1) additional blueline will be required.

Completion of Construction and Inspections

Upon completion of construction of the required improvements after issuance of the Final Plat Development Order, the items called for in (5) above shall be submitted to Land Development.

Upon submittal of the items called for in (5) above, Land Development will notify Development Engineering, the county staff, and the appropriate utility provider that the subdivision is ready for final inspection. Each of those inspection agencies will conduct a final inspection of the subdivision and report the results to Land Development. Land Development shall inform the developer of the results of those inspections. In the case where the developer has elected to complete construction of the required improvements after issuance of the FPL, those inspection agencies shall have found the construction to be acceptable prior to release of the Performance Agreement or prior to the issuance of a Certificate of Occupancy for any building construction in that subdivision.

Performance Agreement, Issuance of Building Permits and Certificate of Occupancy

A Performance Agreement form may be obtained from Land Development. The Performance Agreement shall be secured by a Letter of Credit or cash escrow account. The guarantee for the Performance Agreement shall be for at least one year to provide availability of the funds for completion of the required improvements in the event that the developer does not complete construction within six (6) months.

Building permits may be issued after the Final Plat Development Order has been issued and before completion of the required improvements during the effective period of the Performance Agreement (six months maximum). **However, no Certificate of Occupancy will ever be issued nor will any more Building Permits be issued after the effective period of the Performance Agreement unless construction of the required improvements has been completed, certified by the developer's engineer and accepted by the County.**

Maintenance Agreement

The developer shall be responsible for maintenance of the required improvements to be dedicated to the County (or City) or turned over to a homeowner's association for a minimum period of one year from the date of final inspection and acceptance by the County (or City). A Maintenance Agreement form may be obtained from Land Development. The Maintenance Agreement shall be secured by a Letter of Credit or cash escrow account. The term of the Maintenance Agreement shall be for a minimum of one (1) year. The guarantee for the Letter of Credit or escrow account shall be for a minimum period of 18 months to provide availability of the funds in the event the developer has failed to properly maintain the required improvements prior to expiration of the Maintenance Agreement. At least sixty (60) days prior to the expiration of the Maintenance Agreement the developer should request an inspection of the subdivision improvements. Land Development will notify the County staff and appropriate utility provider that the subdivision is ready for a final maintenance inspection. Those inspection agencies shall conduct a final inspection and report the results to the Land Development Manager. The Land Development Manager shall inform the developer of the results of those inspections. Those inspection agencies must find the improvements to be in acceptable condition prior to release of the Maintenance Agreement, and County (or City) acceptance of maintenance responsibility.

Prior to release of the Maintenance Agreement and Guaranty, and County (or City) acceptance of maintenance responsibility, the Land Development Manager will submit a report to the County (or City) Manager for County (or City) Council final action at a Public Hearing.

Note: All revisions must include a revision date.