



## CITY COUNCIL AGENDA STATEMENT

**Meeting Date:** February 14, 2017

**To:** Honorable Mayor and Council Members

**From:** George Garrett, Deputy City Manager / Planning Director

**Through:** Chuck Lindsey, City Manager

**Agenda Item:** **Ordinance 2017-02**, Repealing Chapter 102, Articles 10, “Platting” And 12, “Subdivision Regulations”; Adding A New Article 10, “Subdivision Of Land / Plats And Re-Plats;” Adding And Modifying Definitions To Chapter 110, “Defined Terms” Relating To Subdivision Regulations And Platting; Providing For Severability; Providing For The Repeal All Ordinances Or Parts Of Ordinances Found To Be In Conflict, And Providing For Inclusion In The Land Development Regulations; And Providing For An Effective Date.

### **RECOMMENDATION:**

Planning Commission recommends APPROVAL (3/0 with two absent)

### **BACKGROUND AND REQUEST:**

Through a grant agreement with the Florida Department of Economic Opportunity the City was able to undertake a major revision to its Platting and Subdivision Ordinances earlier this year, Chapter 102, Articles 10 and 12. This requires that the City submit to DEO revised Land Development Regulations (LDRs) that address local government requirements for subdivision of land and the process leading to approval of subdivisions and plats or re-plats. Proposed amendments to the LDRs were specifically required to accomplish the following:

1. Define plat, re-plat, and subdivision; and
2. Clarify the difference between re-plat and subdivision; and
3. Identify the respective applicant requirements in the approval process; and
4. Identify infrastructure construction level required of payment of fees required; and
5. At what interval in the approval process for sewer, potable water, and fire needs, sidewalks, roads.

Said revisions to the LDRs must also define the following terms:

1. Natural resources;
2. Natural areas;
3. Environmentally sensitive natural systems, and
4. Habitat

in order to identify when open space designation and clustering applies to guide development away from important natural resources.

The proposed Ordinance does the following:

1. Repeals Chapter 102, Articles 10, “Platting” And 12, “Subdivision Regulations” with the intent of consolidating these two Articles into one.
2. Adds or modifies definitions in Chapter 110, Article 3, “Definitions.”
3. Adds Chapter 102, Article 10, “Subdivision Of Land / Plats And Re-Plats.”
  - a. The purpose of the amendment to the City’s subdivisions and platting Ordinance is to provide additional detail and specificity to the standards and administrative procedures for approval of same.
  - b. The purpose is to further underscore the need to provide for protection of the City’s natural resources through protection, establishment of open space areas, habitat conservation areas, all through the use of the City’s “clustering” requirements of Chapter 106, Articles 2, 3, 4, 9, and 10.
  - c. The ordinance establishes the following sections:
    - i. General construction
    - ii. Simple Subdivision, including the division of one lot into two, subdivision of duplex lots, and the re-configuration of up to three lots.
    - iii. Minor and Major Subdivision wherein a minor subdivision is one that does not include any new roads while a major subdivision is one that includes new roads that the City would assume right-of-way maintenance for.
      1. Notice and review procedures
      2. Specific statutory requirements for a plat pursuant to Chapter 177, F. S.
    - iv. Requirements for completing improvements to an approved minor or major plat, including time limits for said improvements
    - v. Construction guarantees and bonding requirements for the purposes of insuring that infrastructure improvements are made pursuant to the design requirements of the subdivision and approved plat or re-plat.
    - vi. Provisions for the completion of a final plat document and ultimate submission for recordation.
    - vii. Vacation or annulment procedures for existing plats.

Attached to this document are the current platting and subdivision Ordinances.

**APPLICANT:** City of Marathon

**REQUEST:** The ordinance repeals chapter 102, articles 10, “platting” and 12, “subdivision regulations;” adds a new article 10, “subdivision of land / plats and re-plats;” and modifies definitions to chapter 110, “defined terms” relating to subdivision regulations and platting.

**AUTHORITY**

**Section 102.26.**

A. *Authority:*  
Council.

**Planning Commission Recommendation.**

The PC shall consider a proposed text amendment at the request of the

B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:

1. The need and justification for the change;
2. The consistency of the proposed amendment with the Comprehensive Plan; and
3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

1. Approved as proposed;
2. Approved with amendments proposed by the PC; or
3. Denied

**Section 102.27. - Hearing(s) by Council.**

A. The decision to process a text amendment is within the sole discretion of the Council.

B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. ch. 166, before taking action on the amendment.

**Section 102.28. - Action by Council.**

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

**ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:**

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

**A. The need and justification for the change;**

The City of Marathon has reviewed and approved a number of subdivisions and re-plats in the past three years. Most have involved relatively small and fairly simple subdivisions of existing platted parcels. However, the re-plat of “Anglers at Sombrero” has placed a new emphasis on insuring that subdivisions and resultant re-plats meet all of the elements of the City’s LDRs. and that the potential created for new residential units (or commercial area) is met by adequate facilities (local and connector roads, minimal impact to existing and particularly surrounding residents, and avoidance, protection, and mitigation for habitat or individual native trees and clusters of native trees (different than habitat).

The City of Marathon has been engaged in a grant agreement with the Florida Department of Economic Opportunity which required that the City submit to DEO revised Land Development Regulations (LDRs) that address local government requirements for subdivision of land and the process leading to approval of subdivisions and plats or re-plats. Proposed amendments to the LDRs are specifically required to accomplish the following:

1. Define plat, re-plat, and subdivision; and
2. Clarify the difference between re-plat and subdivision; and
3. Identify the respective applicant requirements in the approval process; and
4. Identify infrastructure construction level required of payment of fees required; and
5. At what interval in the approval process for sewer, potable water, and fire needs, sidewalks, roads.

Said revisions to the LDRs must also define the following terms:

1. Natural resources;
2. Natural areas;
3. Environmentally sensitive natural systems, and
4. Habitat

in order to identify when open space designation and clustering applies to guide development away from important natural resources.

The Ordinance before you accomplishes the requirements of our contract with DEO. As such, the proposed Ordinance does not change the existing subdivision and platting regulations as much as it consolidates subdivision and platting requirements into one Article requiring additional detail and specificity for all submittals.

The proposed revisions clarify clustering requirements for natural resources/natural areas for subdivisions, re-plats, plats, lot splits, or parcels proposed for development. The proposed revisions also provide a section that requires identification of open space on a site plan for parcels proposed for subdivision or containing more than one principal structure. Included in this condition is a requirement that the location of open space and vegetation survey information be spatially overlaid on the subdivision and plat survey data at concept approval level to ensure that natural resources, regulated or protected trees, contiguous vegetation, or habitat will be a priority in determining placement of lots, access driveways and ultimately, residences.

The proposed Ordinance establishes more detailed procedures for approval of subdivision, plats, re-plats and Conditional Use Permits identifying at what point construction plan approval has been granted and at what stage of approval, subdivision and plat/re-plat improvements must be constructed, bonded, or paid for and the minimal requirements that must be met prior to Council granting final plat approval for recordation. The proposed revision also provides a section that defines the minimum stormwater improvements that must be constructed and at which point in time this must happen within the approval timeframe. Finally the Ordinance provide a section that identifies the construction approval stage at which point the proposed site plan is binding on all parties and when improvements must be constructed.

The following discussion outlines the purpose of the Article, each Section, and Sub-section:

- Section 102.44**            A simple purpose statement  
**Section 102.45**            General ordinance construction
- Application for subdivision / plat required

- Conditional Use Permit required with subdivision / plat for three or more lots
- Prior to issuance of a building permit, necessary public utility and street improvement are required.
- Detailed requirements for a subdivision or plat are provided
  - Must meet all conditions of the Article
  - Must meet all conditions of the LDRs
  - Three types of Subdivision
    - Simple
    - Minor
    - Major
  - Any subdivision resulting in three or more parcels must be platted
- All subdivisions must have access to a public street
- Vacation of plat must comply with 177.01 F.S.
- No issuance of permits on property requiring a plat.

**Section 102.46** Simple Subdivision

- Application requirements
- Review and Approval procedures
- Administrative
  - Must meet minimum density / intensity requirements
- Notice requirements
- Ministerial act
  - Minimum lot area and street width requirements
  - Must meet minimum requirements of LDRs
  - Resultant lots must be memorialized with a record survey
- Provisions for subdivision of duplex lots
- Provisions for reconfiguration of lots

**Section 102.47** Minor & Major subdivision requirements

- Applications requirements – general
  - Application forms
  - Boundary survey
  - Title opinion
  - Subdivision name
  - Location map
  - North arrow
  - Location of parent property
  - Delineation of existing utilities
  - Contours
  - Subsurface conditions
  - 100 year floodplain
  - Minimum area, density, intensity, street width requirements
  - Location of natural plant communities or individual trees as appropriate
  - Location of required conservation management areas
  - Location of required landscape material
  - Location and layout of existing and/or proposed streets
  - Approximate location of proposed driveways
  - Proposed location of all required utilities
    - Major
    - Minor

- Conceptual stormwater management plan
- Notice requirements
- Requirements for a Concept meeting
- Preliminary review and approval
  - Purpose statement – “get it right” in planning stages
  - Determination of public facilities availability
  - Proposed streets must be preliminarily laid out
  - Time table for review
- Final Subdivision review
  - Purpose statement
  - Complete and final stormwater management plan
  - Final location of regulated trees
    - Necessary mitigation, relocation, and/or replacement
  - Final identification of natural plant and animal communities
    - Conservation Management Areas
  - Landscape easements
  - Standards for Recording in the Public Record
    - Standards drawn from 177 F.S. regarding plats

**Section 102.48**            Minor Subdivision Requirements

- No new streets
- All system development charges (sewer) shall be paid
- Construction guarantees, bonds, construction required
- Procedure for City Acceptance established

**Section 102.49**            Major Subdivision requirements

- New streets proposed and approved
- No new streets
- All system development charges (sewer) shall be paid
- Construction guarantees, bonds, construction required
- Standards for street construction established
- Procedure for City Acceptance established

**Section 102.50**            Construction Guarantee Established

**Section 102.51**            Form of Construction Guarantee Established

- Cash escrow
- Letter of Credit
- Surety Bond

**Section 102.52**            Other Guarantee Considerations

- Time Limit
- Approval Required
- Adjustment
- Default

**Section 102.53**            Final Plat or Re-plat

- Applicability
- Conformity to 177 F.S. – Professional surveyor or mapper
- Dedication by owner(s) of record
- Expiration of plat unless recorded

**Section 102.54** Vacation or Annulment of Plat

- Notice
- Review
- Approval

**Chapter 110, Article 3** Definitions

- Parcel reconfiguration
- Plat
- Simple Subdivision
- Subdivision, Major
- Subdivision, Minor

**B. The consistency of the proposed amendment with the Comprehensive Plan; and**

The proposed text amendment is consistent with the Comprehensive Plan and LDRs providing an increased level of protection for the City's existing residential community during the review proposed subdivisions and plats. Equally, the Ordinance provides additional detail and clarity for those individuals seeking a subdivision and plat/re-plat approval.

**C. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.**

The proposed text amendments furthers the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan by offering a clear, concise, and finite mechanism for considering proposed subdivisions and plats.

**CONCLUSION:**

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules. The Planning Commission reviewed the proposed Ordinance on January 17, 2017. The Planning Commission forwards a unanimous recommendation of approval with two (2) absent, concurring with the Planning staff that the proposed amendment meets and furthers the purposes of the City Comprehensive Plan and Land Development Regulations.

**RECOMMENDATION:**

Planning Commission recommends APPROVAL.

**Sponsored by: Lindsey**  
**Introduction Date: July 18, 2016**  
**Public Hearing Dates: February 14, 2017**  
**Enactment date:**

**CITY OF MARATHON, FLORIDA**  
**ORDINANCE 2017-02**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA REPEALING CHAPTER 102, ARTICLES 10, “PLATTING” AND 12, “SUBDIVISION REGULATIONS”; ADDING A NEW ARTICLE 10, “SUBDIVISION OF LAND / PLATS AND RE-PLATS;” ADDING AND MODIFYING DEFINITIONS TO CHAPTER 110, “DEFINED TERMS” RELATING TO SUBDIVISION REGULATIONS AND PLATTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES FOUND TO BE IN CONFLICT, AND PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

**WHEREAS**, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the “Keys ACSCs”; and

**WHEREAS**, Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

**WHEREAS**, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting business regulations for the protection of the public; and

**WHEREAS**, the City of Marathon currently is engaged in a grant agreement with the Florida Department of Economic Opportunity which requires that the City submit to DEO revised Land Development Regulations (LDRs) that address local government requirements for subdivision of land and the approval process;

**WHEREAS**, said revisions to the LDRs are specifically required to do the following:

1. Define plat, re-plat, and subdivision; and



2. Clarify the difference between re-plat and subdivision; and
3. Identify the respective applicant requirements in the approval process; and
4. Identify infrastructure construction level required of payment of fees required; and
5. At what interval in the approval process for sewer, potable water, and fire needs, sidewalks, roads; and

**WHEREAS**, said revisions to the LDRs must also define the following terms for LDR Code purposes:

1. Natural resources;
2. Natural areas;
3. Environmentally sensitive natural systems, and
4. Habitat

in order to identify when open space designation and clustering applies to guide development away from important natural resources; and

**WHEREAS**, said revisions to the LDRs must also clarify clustering requirements for natural resources/natural areas for subdivisions, re-plats, plats, lot splits, or parcels proposed for development;

**WHEREAS**, said revisions must also provide a section that requires identification of open space on a site plan for parcels proposed for subdivision or containing more than one principal structure. Included in this requirement should be a requirement that the open space be overlaid over the vegetation survey at concept approval level or prior to construction plan approval if such a step is established to ensure that natural resources, regulated or protected trees, contiguous vegetation, or habitat will be a priority in determining placement of access driveways and lot layouts; and

**WHEREAS**, said revisions must also provide a section that require more detailed steps for approval of subdivision, plats, re-plats and Conditional Use Permits identifying at what point construction plan approval has been granted and at what stage of approval improvements must be constructed, bonded, or paid for and the minimal requirements that must be met prior to Council granting final plat approval for recordation; and

**WHEREAS**, said revisions must also provide a section that identifies which types of development require bonding or improvements and at what stage of the approval process bonding is necessary; and

**WHEREAS**, said revisions must also provide a section that indicate the minimum stormwater improvements that must be constructed and at which point within the approval process for subdivisions, plats, re-plats, and conditional use permits; and

WHEREAS, said revisions must also provide a section that identifies the construction approval stage at which point the proposed site plan is binding on all parties and when improvements must be constructed; and

WHEREAS, said revisions must also provide a section that identify any infrastructure inspection approvals that are required prior to final plat being recorded,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

~~Strikethrough~~ = deletion      **bold underline** = addition

1            **SECTION 1.** The above recitals are true, correct, and incorporated herein by this  
2 reference.

3            **SECTION 2.** Repeal Chapter 102, Articles 10 and 12 in their entirety.

4  
5            **SECTION 3.** Add a new Chapter 102, Article 10 to read as follows:

6  
7            **Article 10      Subdivision of Land / Plats and Re-plats**

8  
9            **Section 102.44      Purpose**

10           **It is the purpose of this Article to provide standards and administrative procedures**  
11 **for the subdivision of land, creation of plats or the re-plat or vacation of plats within the**  
12 **City of Marathon.**

13  
14           **Section 102.45      General Construction**

15           A.      **An application for a subdivision and required plat approval shall be**  
16 **submitted in accordance with Article 2, "Common Development Application**  
17 **Elements", of this chapter and as specifically identified in subsections below.**

18           B.      **For the purposes of all requested subdivisions of land which would**  
19 **result in three (3) or more parcels, a Conditional Use Permit shall be**  
20 **required which incorporates a site plan review (if otherwise required). Said**  
21 **Conditional Use Permit process, done in accordance with Chapter 102,**  
22 **Article 13 of the LDRs, may be carried out simultaneously, but in no case**  
23 **shall the subdivision be approved without a Conditional Use Permit review.**

24           C.      **No building shall be erected on an existing platted lot or parcel of land**  
25 **within the City subject to this article unless adequate public utility services**  
26 **are available (or their permissible equivalent allowed under the Florida**  
27 **Building Code, Florida Statutes, and/or Florida Administrative Code)**

28 ,including but not limited to, water, electric, stormwater, and wastewater.  
29 All new plats shall require paved Rights-Of-Way, unless otherwise approved,  
30 and must provide adequate utility services as later described in this Article,  
31 including water, electric, stormwater, and wastewater, nor shall any building  
32 permit be issued, unless such street has been improved to an extent which,  
33 under the circumstances of the particular situation is adequate to serve the  
34 needs of such dwelling and to protect the public under the provisions of this  
35 article; provided that, if so authorized by subdivision regulations adopted  
36 under the provisions of this article, a A building permit may be issued for  
37 construction of a building concurrently with the installation of required  
38 street improvements, but no such permit shall express or imply any right of  
39 occupancy and use of such building. No such nor may such building shall be  
40 occupied or used until the installation of such street improvements has been  
41 completed to the satisfaction of the City.

42 **D. Subdivision requirements. For the purposes of this Article:**

- 43 1. All subdivision of land as defined in Chapter 110, Article 1,  
44 “Subdivision,” shall follow the procedures and standards herein.
- 45 2. All subdivision of land, in concert with a simultaneous review  
46 as a Conditional Use Permit Application, shall consider be consistent  
47 with requirements of the LDRs, particularly Chapters 103, 105, 106,  
48 including particularly Articles 2, 3, 4, 7, and 8, and Chapter 107.
- 49 3. All subdivision of land shall fall into three categories:
  - 50 a. Simple subdivision including the subdivision of single  
51 parcels into two legal parcels, subdivision of single parcels with  
52 duplex units, or the reconfiguration of lots (Section 102.46);
  - 53 b. Minor subdivision of land in which one parcel or more  
54 is subdivided into three or more parcels which require no  
55 additional infrastructure, including new roads and expansion  
56 of utilities (Section 102.47 A.); and
  - 57 c. Major subdivision of land into three or more parcels  
58 which would require the construction of new roads and  
59 expansion of utilities (Section 102.47 B).
- 60 4. All subdivision of land which would result in three (3) or more  
61 parcels of land shall require a plat approval pursuant to this Article  
62 and in accordance with Chapter 177 F.S., except simple subdivisions  
63 as outlined in 2. a. above and as defined in Chapter 110, “Simple  
64 Subdivision.”
- 65 5. All subdivision of land shall be consistent with the City of  
66 Marathon Comprehensive Plan and all applicable elements of the  
67 City’s Land Development Regulations.

68                   6.     No subdivision may be created without frontage on a paved  
69                   public road access and if applicable, all subdivisions created must  
70                   have internal roads that meet City standards.

71     E.     Vacation of plats of subdivisions, in whole or in part, shall occur in  
72     accordance with the provisions established herein and pursuant to Chapter  
73     177.101, F. S.

74     F.     Relationship of all types of Development Orders and plat approval.  
75     For the purposes of this Article,

76             1.     No development order, development permit, building permit,  
77             tree clearing permit or construction permit or other similar permit  
78             may be issued for a parcel or parcels requiring a plat until the plat  
79             has been approved by the Planning Commission and City Council and  
80             has been recorded with the Clerk of the Court of Monroe County.

81  
82     Section 102.46           Simple Subdivision

83     A.     Application Requirements: The submittal requirements and review  
84     procedure for all requests for a simple subdivision shall be in accordance  
85     with Chapter 102 and shall provide the following minimal information:

86             1.     Proof of Ownership of the parcel or parcels proposed for  
87             simple subdivision or reconfiguration.

88             2.     An independent survey of each of the proposed parcels or  
89             reconfigured parcels including an identification of the parent parcel  
90             in the survey.

91     B.     Review and Approval Procedure

92             1.     The Director or his designee shall review the applicant for the  
93             proposed simple subdivision taking the following criteria into  
94             consideration:

95                 a.     The Simple Subdivision procedure is an administrative  
96                 process carried out by the Director in coordination with other  
97                 City staff including the Public Works and Utilities Directors.

98                 b.     With the exception of the proposed subdivision of a  
99                 parcel with a duplex residence, the resultant parcels of a  
100                 simple subdivision or reconfiguration shall meet all of the  
101                 minimum lot area, density, intensity, clustering, and dimension  
102                 requirements of the City's Land Development Regulations.

103                 c.     Otherwise, the following requirements of the following  
104                 subsections apply.

105     C.     Notice

106             1.     Notice is not required for a Simple Subdivision.

**D. Approval of a Simple Subdivision is a ministerial function which should generally receive approval so long as all criteria in the review process are met.**

**E. Division of one (1) parcel into two (2) parcels: A legal lot of record may be divided into two (2) separate lots, parcels, tracts or other subdivision of land, without complying with the subdivision requirements of this article, through the simple subdivision review process, provided all of the conditions below are met:**

**1. The legal lot of record has frontage on and has direct access to an existing publicly maintained street. The access may be provided by a legally established joint driveway access to the public street in lieu of public street frontage for both lots upon approval by the City and City Attorney. The minimum lot area to allow subdivision, the minimum resulting lot area and street-front lot width for all Land Use Districts are as follows:**

**Table 102.46.1**  
**Minimum/Maximum Subdivided Lot Area & Front Lot Width**

<b><u>Land Use District</u></b>	<b><u>Minimum Existing Lot Area (Sq. Ft.)</u></b>	<b><u>Minimum Subdivided Lot Area (Sq. Ft.)</u></b>	<b><u>Minimum Subdivided Lot Area (Sq. Ft.)</u></b>	<b><u>Street-Front Lot Width (Ft.)</u></b>
<b><u>A</u></b>	<b><u>NA</u></b>	<b><u>NA</u></b>	<b><u>NA</u></b>	<b><u>NA</u></b>
<b><u>C-NA</u></b>	<b><u>12 Acres</u></b>	<b><u>4 Acres</u></b>	<b><u>348,479</u></b>	<b><u>NA</u></b>
<b><u>C-)I</u></b>	<b><u>30 Acres</u></b>	<b><u>10 Acres</u></b>	<b><u>871,199</u></b>	<b><u>NA</u></b>
<b><u>I-G</u></b>	<b><u>26,136</u></b>	<b><u>8,712</u></b>	<b><u>17,423</u></b>	<b><u>NA</u></b>
<b><u>I-M</u></b>	<b><u>26,136</u></b>	<b><u>8,712</u></b>	<b><u>17,423</u></b>	<b><u>NA</u></b>
<b><u>MU</u></b>	<b><u>21,780</u></b>	<b><u>7,260</u></b>	<b><u>14,519</u></b>	<b><u>NA</u></b>
<b><u>MU-M</u></b>	<b><u>21,780</u></b>	<b><u>7,260</u></b>	<b><u>14,519</u></b>	<b><u>NA</u></b>
<b><u>P</u></b>	<b><u>13,068</u></b>	<b><u>4,356</u></b>	<b><u>8,711</u></b>	<b><u>NA</u></b>
<b><u>PR</u></b>	<b><u>12 Acres</u></b>	<b><u>4 Acres</u></b>	<b><u>348,479</u></b>	<b><u>NA</u></b>
<b><u>RH</u></b>	<b><u>16,335</u></b>	<b><u>5,445</u></b>	<b><u>10,879</u></b>	<b><u>75</u></b>
<b><u>RL</u></b>	<b><u>6 Acres</u></b>	<b><u>2 Acres</u></b>	<b><u>87,119</u></b>	<b><u>NA</u></b>
<b><u>RL-C</u></b>	<b><u>12 Acres</u></b>	<b><u>4 Acres</u></b>	<b><u>348,479</u></b>	<b><u>NA</u></b>
<b><u>R-MH</u></b>	<b><u>16,335</u></b>	<b><u>5,445</u></b>	<b><u>10,879</u></b>	<b><u>NA</u></b>
<b><u>RM</u></b>	<b><u>26,136</u></b>	<b><u>8,712</u></b>	<b><u>17,423</u></b>	<b><u>100</u></b>

<u>RM-1</u>	<u>32,670</u>	<u>10,890</u>	<u>21,779</u>	<u>100</u>
<u>RM-2</u>	<u>26,136</u>	<u>8,712</u>	<u>17,423</u>	<u>100</u>

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2. The resultant two (2) lots shall:
  - a. meet the minimum requirements of the City Comprehensive Plan and the LDRs.
  - b. shall EACH be memorialized with a survey showing at a minimum, the parent parcel and the resultant individual parcel EACH survey of which shall be recorded in the public record.
  - c. shall EACH be memorialized with a document recorded in the public record, which shall include the following disclosure statement:  
"The parcel of land described in this instrument is located in the City of Marathon. The use of the parcel of land is subject to and restricted by the goals, policies and objectives of the Plan and land development regulations adopted as a part of, and in conjunction with and as a means of implementing the Plan. The Land Development Regulations provide that no building permit shall be issued for any development of any kind unless the proposed development complies with each and every requirement of the regulations, including minimum area requirements for residential development. You are hereby notified that under the City Land Development Regulations, the division of land into parcels of land which are not approved as platted lots under these regulations confer no right to develop a parcel of land for any purpose. You are further notified that the platting of land confers no rights to a building permit allocation under the Building Permit Allocations System (BPAS). The platting of land is not recognition of the right to a BPAS allocation which is predicated on availability and the Florida Keys hurricane evacuation model clearance time"
3. Any further division of a legal lot of record shall be deemed a subdivision and shall comply with this Article and these regulations.
4. Reconfigured lots must be unified through a Unity of Title or a declaration of restrictions and covenants in a form approved by the City Attorney.

F. Subdivision of duplex lots:

163 1. A parcel containing a duplex structure may be subdivided into  
164 two parcels subdividing said duplex structure pursuant to Policy 1-  
165 3.1.2 of the City's Comprehensive Plan and requirements of the LDRs  
166 provided that;

167 a. EACH of the parcels thus divided is memorialized with  
168 a survey showing at a minimum, the parent parcel and the  
169 resultant individual parcel EACH survey of which shall be  
170 recorded in the public record; and

171 b. a Joint Maintenance Agreement, as approved by the  
172 City Attorney, of the duplex structure shall be recorded in the  
173 Public Records of Monroe County by the individual lot  
174 owners.

175 **G. Reconfiguration of lots:**

176 From one (1) to three (3) adjacent parcels may be reconfigured; provided,  
177 however, that the sale, exchange or reconfiguration of lots to or between  
178 adjoining property owners of the re-subdivided lots meet all of the following:

179 1. Does not create additional lots or the potential for additional  
180 density or intensity;

181 2. Does not alter rights-of-way or other areas dedicated for public  
182 use;

183 3. The new lots and any residual land meets the requirements of  
184 the City's Plan and LDRs;

185 4. Reconfigured lots must be unified through a Unity of Title or a  
186 declaration of restrictions and covenants in a form approved  
187 by the City Attorney.

188 5. Reconfiguration does not convey any additional right to clear  
189 native vegetation beyond those limits established in the LDRs  
190 or as may have been established by conservation easement.

191  
192 **Section 102.47 Minor And Major Subdivision**

193 A. Application Requirements: The submittal requirements and review  
194 procedure for all minor and major subdivision development plans shall be in  
195 accordance with Chapter 102 and shall provide the following minimal  
196 information:

197 The preliminary subdivision plan for both a minor or major subdivision (and  
198 plat) shall be submitted on black or blue line prints drawn at an acceptable  
199 scale such as 50 feet to the inch on sheets no larger than 34 by 44 inches. The  
200 principle difference between a Minor and Major Subdivision lies in whether  
201 the subdivision proposes the approval of new streets which may be ultimately

202 be dedicated to the City of Marathon (or remain as private streets). The plan  
203 drawing shall include the following:

204 1. All materials required under Section 102.01 "Application  
205 Forms", except as modified by specific requirements below.

206 2. A boundary survey of the lands to subdivided and platted.  
207 However, a new boundary survey for a re-plat is required only when  
208 the replat affects any boundary of the previously platted property or  
209 when improvements which may affect the boundary of the previously  
210 platted property have been made on the lands to be re-platted. The  
211 boundary survey must be performed and prepared under the  
212 responsible direction and supervision of a professional surveyor and  
213 mapper preceding the initial submittal of the plat to the City. This  
214 subsection does not restrict a legal entity from employing one  
215 professional surveyor and mapper to perform and prepare the  
216 boundary survey and another professional surveyor and mapper to  
217 prepare the plat.

218 a. Every plat offered for recording pursuant to the  
219 provisions of this part shall be prepared by a professional  
220 surveyor and mapper. The plat must be signed and sealed by  
221 that professional surveyor and mapper, who must state on the  
222 plat that the plat was prepared under his or her direction and  
223 supervision and that the plat complies with all of the survey  
224 requirements of this part. Every plat must also contain the  
225 printed name and registration number of the professional  
226 surveyor and mapper directly below the statement required by  
227 this section, along with the printed name, address, and  
228 certificate of authorization number of the legal entity, if any. A  
229 professional surveyor and mapper practicing independently of  
230 a legal entity must include his or her address.

231 3. A title opinion of an attorney at law licensed in Florida or a  
232 certification by an abstractor or a title company showing that record  
233 title to the land as described and shown in the proposed subdivision  
234 and subsequent plat or re-plat is in the name of the person, persons,  
235 corporation, or executing the dedication. The title opinion or  
236 certification shall also show all mortgages not satisfied or released of  
237 record nor otherwise terminated by law.

238 4. The title under which the subdivision is to be recorded, the  
239 names of the developer, the engineer, the surveyor, architect and land  
240 planner, the tax parcel number(s) and Section, Township, and Range.

241 a. Every subdivision shall be given a name by which it  
242 shall be legally known. For the purpose of this section, that



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name is the “primary name.” The primary name shall not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is further divided as an additional unit or section by the same developer or the developer’s successors in title. In that case, the additional unit, section, or phase shall be given the primary name followed by the unit, section, or phase number. Words such as “the,” “re-plat,” or “a” may not be used as the first word of the primary name. Every subdivision’s name shall have legible lettering of the same size and type, including the words “section,” “unit,” or “phase.” If the word “re-plat” is not part of the primary name, then it may be of a different size and type. The primary name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

b. Any change in a plat, except as provided in s. 177.141, shall be labeled a “re-plat,” and a re-plat must conform with this part. After the effective date of this act, the terms “amended plat,” “revised plat,” “corrected plat,” and “re-subdivision” may not be used to describe the process by which a plat is changed.

5. A location map to show the relationship of the proposed development to existing community facilities, developments and streets.

6. North point, scale and date.

7. The location of present property and section lines, boundaries of incorporated areas, land description, existing streets and/or driveways within 150 feet of the property boundaries, buildings, wetlands, and other natural resources.

8. Existing utilities, including sanitary sewer, water, stormwater, electricity lines, telephone, gas, cable television, etc., within the parcel and immediately adjacent to it.

9. Contours of the land at one-foot intervals. Contours shall be based on National Geodetic Vertical Datum 1929 or later.

10. Subsurface conditions of the parcel.

11. Approximate location of the 100-year floodplain and data used to establish its location.

12. The names and boundaries of all adjoining subdivisions. The names of record owners and City tax parcel numbers of all adjoining

283 parcels of un-subdivided land. Adjoining land uses, in accordance  
284 with the City of Marathon Future Land Use Map shall also be shown.

285 13. A statement of utility plan indicating types and provider of  
286 services.

287 14. The location of all existing lots must be shown. Proposed lot  
288 lines and areas must be shown as well and meet the standards set out  
289 in Table 102.46.1

290 a. Actual subdivided and platted lot areas may be less than the  
291 minimum lot area shown above, IF, the density of the total  
292 subdivided area does not exceed the per acre densities allowed  
293 in Table 103.15.2, “Density, Intensity, and Dimensions for  
294 Zoning Districts, for each Land Use District. Streets, internal  
295 park and open space areas, recreation space, protected habitat  
296 areas requiring conservation easements may all be the basis for  
297 such reductions in the platted lot area if they are included in  
298 the overall density calculations for the subdivision and  
299 subsequent plat. Such reductions shall be noted in the plat and  
300 a complete accounting of acreage respective of allowed  
301 densities shall be made in the plat document. Equally, if lot  
302 area reductions are allowed as part of the subdivision and  
303 platting process, the plat documents shall clearly indicate that  
304 no future subdivision shall be allowed of any area accounted  
305 for in density calculations.

306 b. An applicant who wishes to subdivide property may  
307 obtain a reduction in the minimum street-front lot width based  
308 on a strict mathematical averaging of the actual street-front lot  
309 width of all properties within 500 feet of the property being  
310 subdivided on the same street and with 250 feet on parallel  
311 streets. The distances noted (e.g., 500 feet and 250 feet) are  
312 flexible based on the actual location on the street of the  
313 property subject to subdivision and the meander of that street.  
314 The reduction allowed will be the cumulative average of street-  
315 front lot widths rounded up to the nearest ten-foot increment  
316 (e.g., average = 76.5 feet; allowed street front lot width = 80  
317 feet). In no case shall the resultant street frontage lot width be  
318 less than thirty (30) feet.

319 15. The general location of all native trees, natural plant  
320 communities, and protected species habitat pursuant to Chapter 106,  
321 Article 2, “Trees and Native Vegetation,” Article 3, “Natural Plant

322 and Wildlife Habitat,” and Article 4, “Open Water, Surface Water,  
323 and Wetlands.”

324 16. A preliminary description of any required Conservation  
325 Management Areas pursuant to Chapter 106, Article 8,  
326 “Conservation Management Areas” including any required  
327 management plans pursuant to Chapter 106, Article 9, “Management  
328 Plans” as established in the LDRs.

329 17. The general location of all required landscape material  
330 pursuant to the requirements of Chapter 107, Article 8,  
331 “Landscaping” of the LDRs

332 18. The street layout of all new streets, if applicable, including  
333 provision of supporting traffic study. The traffic study shall meet the  
334 requirements of Chapter 107 Article 13, “Concurrency  
335 Management.”

336 19. Lot and proposed driveway placement shall pursuant to  
337 Chapter 107, Article 14, “Access Management” shall meet all of the  
338 requirements of Chapter 106, Articles 2 and 3 concerning the  
339 preservation of Class I, II and III habitats. Lots shall avoid entirely  
340 if possible all Class I and II habitats which would otherwise be  
341 conserved in a conservation easement pursuant to Chapter 106,  
342 Article 8. Proposed driveway alignments shall avoid regulated trees  
343 and native vegetation in Class III habitats pursuant Chapter 106,  
344 Article 2. Consideration shall be given to combining or shifting  
345 proposed driveway locations in meeting the provisions of this  
346 subsection and of the Sections of the LDRs referenced herein.

347 20. The proposed layout of all utilities including potable water  
348 (including required fire hydrants), electric, sewer, and cable,  
349 particularly in the instance that the subdivision and subsequent plat  
350 propose new streets.

351 a. As established for Major Subdivisions and subsequent  
352 plats, for which new streets are proposed, all utilities shall be  
353 designed, approved by the relevant authorizing authority, and  
354 satisfactorily constructed by the subdivision applicant prior to  
355 acceptance of the streets by the City.

356 21. A conceptual stormwater management plan that contains the  
357 outlines and general location of proposed drainage areas consistent  
358 with Chapter 107 Article 11, “Stormwater Management”. This  
359 stormwater management plan will vary in complexity dependent upon  
360 whether the subdivision and subsequent plat propose new streets that  
361 would ultimately be dedicated to the City of Marathon.

362 **B. Notice:** Notice for required public meetings shall be in  
363 **accordance with the requirements of Chapter 102, Article 4, "Notice of**  
364 **Public Meetings and Hearings."** In particular, published, mailed, and posted  
365 **notice is required pursuant to the requirements for both a subdivision and**  
366 **Conditional Use Permit process.**

367 **C. Concept Meeting:** The Developer is required to schedule and attend a  
368 **concept meeting with the Department and present a general plan for the**  
369 **subdivision, including a lot layout, to receive advice and guidance prior to**  
370 **proceeding with engineering plans and plat preparation, if required.**

371 **D. Preliminary Review and Approval:**

372 **1. The purpose of this stage is for the developer to**  
373 **schedule and present a subdivision plan, which has progressed to**  
374 **preliminary stage, to the TRC to receive advice, guidance and**  
375 **approval prior to proceeding with final engineering plans and plat**  
376 **preparation. All preliminary plan submittals shall meet the**  
377 **requirements of Chapter 102 Article 9, "Site Plan Review", and all**  
378 **plat submittals shall meet the requirements of Section 102.47 E. 5.**  
379 **below.**

380 **2. Pursuant to Chapter 107, Article 13 of the LDRs, no**  
381 **preliminary subdivision plan shall be approved unless a**  
382 **determination can be made that all public facilities will be adequate to**  
383 **support and service the area of the subdivision. The applicant shall**  
384 **submit sufficient information and data as part of the subdivision plan**  
385 **to demonstrate the necessary public services are adequate to address**  
386 **the impact created by the subdivision and to demonstrate that the**  
387 **proposed subdivision is consistent with the Comprehensive Plan.**

388 **3. At the time of preliminary submittal, all proposed new streets,**  
389 **if any, shall be staked at their centerlines and marked at appropriate**  
390 **stationing at approximately 1000 foot intervals.**

391 **4. Upon the date of completion of the Preliminary Review and**  
392 **Approval by the TRC, a letter shall be drafted within thirty (30) days**  
393 **identifying all elements of the plan which are either accepted or are**  
394 **deficient. All areas of deficiency shall be clearly delineated with a**  
395 **concise explanation of the deficiency.**

396 **E. Final Subdivision Review:** The purpose of this stage is for the  
397 **Developer to present the final development plan to the Planning Commission**  
398 **and City Council for review. At this stage the subdivision plans and plat shall**  
399 **be consistent with the approved Preliminary Plan with any revisions**  
400 **requested by the TRC and shall be in final form. Thus, no final subdivision**  
401 **shall be reviewed by the Planning Commission and City Council without the**

402 prior review of the TRC such that all recommended changes have been made  
403 to the preliminary subdivision documents. Two (2) copies of the final  
404 engineering plans, supporting calculations and plat, if applicable, shall be  
405 submitted to the City at the same scale and size as the preliminary plans.  
406 Said documents shall be sufficient to serve as construction documents which  
407 would be permitted by the City. The City will review the plans and return  
408 one set appropriately marked noting any deficiencies to the Developer's  
409 Engineer within thirty (30) working days. After final approval by the  
410 Council, the City will issue a letter stating that the subdivision has been  
411 approved and that the plat has been approved for recordation. This  
412 submittal shall include:

413 1. A complete stormwater management plan including all  
414 information required in Chapter 107 Article 11, "Stormwater  
415 Management". In addition, all plans shall contain the outlines and  
416 sizes in acres of drainage areas at the various points of concentration  
417 along the new street system. Stormwater management for individual  
418 approved lots or groups of lots ~~may show hypothetical~~ shall identify  
419 stormwater management areas and structures (actual structures,  
420 berms, or swales), in compliance with the Article, ~~allowing flexibility~~  
421 to the ultimate owner and developer of the lot. Any stormwater  
422 management area that qualifies for use as required open space per  
423 Chapter 107 Article 9, "Open Space", shall be clearly delineated on  
424 the plan and plat. Detailed engineering construction plans shall be  
425 provided as prepared, signed and sealed by a Florida registered  
426 engineer, including plan/profiles at horizontal scale of not more than  
427 50 feet to the inch and at a vertical scale of not less than one-tenth  
428 (1/10) of the horizontal scale, and cross-sections at appropriate  
429 horizontal and vertical scales, on sheets no larger than 34 by 44  
430 inches. Engineering plans shall include all roads streets, fire hydrants,  
431 sanitary sewers, storm sewers, stormwater management facilities,  
432 erosion and sedimentation control measures, construction notes, and  
433 benchmarks. Such plans should be suitable to be utilized as  
434 construction drawings to be utilized in the approval of subdivision  
435 construction permits.

436 2 The final location of all regulated native trees and identified in  
437 Chapter 106, Article 2 and a plan approved by the City biologist for  
438 the Relocation, Replacement, or Mitigation of all regulated trees  
439 which would be removed or relocated as a result of the installation of  
440 required streets or utilities. Otherwise, prior to development of each  
441 lot, such regulated native trees shall remain intact and in place.

442 **3. The final identification or natural plant and wildlife habitat or**  
443 **open water, surface water, or wetlands which shall be identified in the**  
444 **subdivision and subsequent plat as a Conservation Management Area,**  
445 **such management area to be managed through a management plan.**  
446 **The plat shall include a conservation easement for the Conservation**  
447 **Management Area to be assumed in perpetuity and shall be recorded**  
448 **as part of the plat.**

449 **4. The specific location, identified in the subdivision and plat as a**  
450 **landscape easement, for all required landscape areas pursuant to the**  
451 **requirements of Chapter 107, Article 8, “Landscaping” of the LDRs.**

452 **5. Every plat of a subdivision offered for recording shall conform**  
453 **to the following:**

- 454 **a. It must be:**
- 455 **i. An original drawing made with black permanent**  
456 **drawing ink; or**
  - 457 **ii. A nonadhered scaled print on a stable base film**  
458 **made by photographic processes from a film scribing**  
459 **tested for residual hypo testing solution to assure**  
460 **permanency.**

461 **Marginal lines, standard certificates and approval**  
462 **forms shall be printed on the plat with a permanent**  
463 **black drawing ink. A print or photographic copy of the**  
464 **original drawing must be submitted with the original**  
465 **drawing.**

466 **b. The size of each sheet shall not exceed 34 by 44 inches and**  
467 **shall be drawn with a marginal line around each sheet and**  
468 **placed so as to leave at least a 1/2-inch margin on each of three**  
469 **sides and a 3-inch margin on the left side of the plat for**  
470 **binding purposes.**

471 **c. When more than one sheet must be used to accurately**  
472 **portray the lands subdivided, an index or key map must be**  
473 **included and each sheet must show the particular number of**  
474 **that sheet and the total number of sheets included, as well as**  
475 **clearly labeled matchlines to show where other sheets match or**  
476 **adjoin.**

477 **d. In all cases, the letter size and scale used shall be of**  
478 **sufficient size to show all detail. The scale shall be both stated**  
479 **and graphically illustrated by a graphic scale drawn on every**  
480 **sheet showing any portion of the lands subdivided.**

481 **e. The name of the plat shall be shown in bold legible letters,**  
482 **as stated in s. 177.051. The name of the subdivision shall be**

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shown on each sheet included. The name of the professional surveyor and mapper or legal entity, along with the street and mailing address, must be shown on each sheet included.

f. A prominent “north arrow” shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend, and, in all cases, the bearings used shall be referenced to some well established and monumented line.

g. Permanent reference monuments must be placed at each corner or change in direction on the boundary of the lands being platted and may not be more than 1,400 feet apart. Where such corners are in an inaccessible place, “P.R.M.s” shall be set on a nearby offset within the boundary of the plat and such offset shall be so noted on the plat. Where corners are found to coincide with a previously set “P.R.M.,” the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity on the previously set “P.R.M.” shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat. The “P.R.M.s” shall be shown on the plat by an appropriate symbol or designation.

h. Permanent control points shall be set on the centerline of the right-of-way at the intersection and terminus of all streets, at each change of direction, and no more than 1,000 feet apart. Such “P.C.P.s” shall be shown on the plat by an appropriate symbol or designation. In those counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, “P.C.P.s” may be set prior to the recording of the plat and must be set within 1 year of the date the plat was recorded. In the counties or municipalities that require subdivision improvements and have the means of insuring the construction of said improvements, such as bonding requirements, “P.C.P.s” must be set prior to the expiration of the bond or other surety. If the professional surveyor and mapper or legal entity of record is no longer in practice or is not available due to relocation, or when the contractual relationship between the subdivider and professional surveyor and mapper or legal entity has been terminated, the subdivider shall contract with a

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professional surveyor and mapper or legal entity in good standing to place the “P.C.P.s” within the time allotted.

i. Monuments shall be set at all lot corners, points of intersection, and changes of direction of lines within the subdivision which do not require a “P.R.M.” or a “P.C.P.”; however, a monument need not be set if a monument already exists at such corner, point, or change of direction or when a monument cannot be set due to a physical obstruction. In those counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, monuments may be set prior to the recording of the plat and must be set at the lot corners before the transfer of the lot. In those counties or municipalities that require subdivision improvements and have the means of ensuring the construction of those improvements, such as bonding requirements, monuments shall be set prior to the expiration of the bond or other surety. If the professional surveyor and mapper or legal entity of record is no longer in practice or is not available due to relocation, or when the contractual relationship between the subdivider and professional surveyor and mapper or legal entity has been terminated, the subdivider shall contract with a professional surveyor and mapper or legal entity in good standing who shall be allowed to place the monuments within the time allotted.

j. The section, township, and range shall appear immediately under the name of the plat on each sheet included, along with the name of the city and state in which the land being platted is situated.

k. Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

l. The dedications and approvals required by ss. 177.071 and 177.081 must be shown.

m. The Monroe County Clerk’s certificate and the professional surveyor and mapper’s seal and statement required by s. 177.061 shall be shown.

n. All section lines and quarter section lines occurring within the subdivision shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, all information called for, such as the



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point of commencement, course bearings and distances, and the point of beginning, shall be indicated. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.

o. Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.

p. Location and width of proposed easements and existing easements identified in the title opinion or certification required by s. 177.041(2) shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances and tied to the principal lot, tract, or right-of-way.

q. All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a replat shall be stated as a subtitle under the name of the plat on each sheet included. The subtitle must state the name of the subdivision being replatted and the appropriate recording reference.

r. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.

s. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as “more or less,” if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the

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39.37/12=3.28083333333 equation for conversion from a U.S. foot to meters.

t. Curvilinear lot lines shall show the radii, arc distances, and central angles. Radial lines will be so designated. Direction of nonradial lines shall be indicated.

u. Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.

v. The centerlines of all streets shall be shown as follows: noncurved lines: distances together with either angles, bearings, or azimuths; curved lines: arc distances, central angles, and radii, together with chord and chord bearing or azimuths.

w. Park and recreation parcels as applicable shall be so designated.

x. All interior excepted parcels as described in the description of the lands being subdivided shall be clearly indicated and labeled “Not a part of this plat.”

y. The purpose of all areas dedicated must be clearly indicated or stated on the plat.

z. When it is not possible to show line or curve data information on the map, a tabular form may be used. The tabular data must appear on the sheet to which it applies.

aa. The plat shall include in a prominent place the following statements: “NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.”

bb. All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation

650 shall comply with the National Electrical Safety Code as  
651 adopted by the Florida Public Service Commission.  
652 cc. A legend of all symbols and abbreviations shall be shown.  
653

654 **Section 102.48 Minor Subdivision Improvement Requirements**

655 A. As defined in Chapter 110, Article 3, a Minor Subdivision is one in  
656 which the requested subdivision does not include any new streets within the  
657 City such that all resultant lots shall have access from existing public or  
658 private streets within the City of Marathon.

659 B. For each lot created as part of the approved minor subdivision (minus  
660 any system development charges previously assessed), all system  
661 development charges shall be paid at or before final subdivision and plat  
662 approval. Such assessment of charges shall be completed in accordance with  
663 Chapter 34 of the City's Code of Ordinances and particularly Article 6 of the  
664 Chapter. Said charges are associated with the direct costs of the City's  
665 existing utility and any necessary improvements therein.

666 3. As a Minor Subdivision involves no construction of new public  
667 streets, all utility construction will occur within EXISTING City  
668 Rights-Of-Way or private roads.

669 a. All utility and right-of-way permits shall be obtained  
670 and issued prior to final plat approval for:

671 i. wastewater utility installation;

672 ii. electric utility pole & transformer installation (if  
673 any);

674 iii. potable water utility extensions;

675 iv. addition of any required fire hydrants;

676 v. all other utilities as may be required.

677 b. All construction of required utilities shall be completed  
678 pursuant to this Section. Construction Guarantees shall be  
679 required pursuant to Sections 102.50 and 102.51 and shall  
680 provide that if the construction of the required improvements  
681 is not completed within six (6) months after approval of the  
682 final plat, the City may deem the applicant to be in default  
683 pursuant to Section 102.52 D.

684 C. Procedure For Acceptance By the City

685 1. The City will review and approve engineering design plans and  
686 construction documents for all utilities approved as part of an  
687 approved subdivision and plat or re-plat. The subdivision developer

688 will be responsible for obtaining approvals, permits, inspections, and  
689 sign-offs for all other utilities independently.

690 2. Once approved, the subdivision applicant shall be responsible  
691 for making all necessary utility, and drainage improvements within  
692 the boundaries of the plat.

693 a. Such improvements will be inspected and certified by  
694 the design engineer and all improvements with respect to the  
695 street, right-of-way, wastewater utilities and stormwater  
696 utilities shall be warranted for a period of two (2) years in  
697 favor of the City.

698 b. The subdivision developer shall provide all other utility  
699 sign-offs and certifications to the City.

700 c. The City may elect to complete its own inspections on its  
701 utilities pursuant to its approvals, permits, and design  
702 standards.

703 3. Once all inspections and certifications are approved by the  
704 City, the City will accept ownership of utilities within the existing City  
705 rights-of-way as approved for provision of services within the  
706 boundaries of the subdivision and plat.

707

708 **Section 102.49 Major Subdivision Improvement Requirements**

709 A. As defined in Chapter 110, Article 3, a Major Subdivision is one in  
710 which the requested subdivision of land includes the approval and required  
711 construction of new streets which connect to existing public and/or private  
712 streets within the City. Over and above the provision of subdivision  
713 documents and a plat, the ultimate approval of a major subdivision also  
714 involves the construction of infrastructure improvements including  
715 stormwater, wastewater, potable water, fire hydrants, and electric utility  
716 elements and the overlying streets. Since such improvements will require  
717 time and considerable expense to construct, construction guarantees shall be  
718 required.

719 B. For each lot created as part of the approved major subdivision, the  
720 City shall provide a letter outlining all required system development charges.  
721 All system development charges shall be paid at or before final subdivision  
722 and plat approval. Such assessment of charges shall be completed in  
723 accordance with Chapter 34 of the City's Code of Ordinances and  
724 particularly Article 6 of the Chapter. Said charges are associated with the  
725 direct costs of the City's existing utility and any necessary improvements

726 therein. Said system development charges are not payment for required  
727 internal utility construction as part of the approved subdivision and plat.

728 C. All construction of required streets and utilities shall be completed  
729 pursuant to this Section. Construction Guarantees shall be required  
730 pursuant to Sections 102.50 and 102.51 and shall provide that if the  
731 construction of the required improvements is not completed within two (2)  
732 years after approval of the final plat, the City may deem the applicant to be  
733 in default pursuant to Section 102.52 D.

734 D. Standards for street construction and drainage improvements are  
735 hereby established as the FDOT, Manual of Uniform Minimum Standards  
736 For Design, Construction, and Maintenance of Streets and Highways (the  
737 “Florida Greenbook”) May 2013 Edition or as revised. Standard Right-of-  
738 Way dimensions, typically fifty (50) feet, and cross-sectional standards are  
739 available through the City Public Works Department. Further, design  
740 standards for City Utilities and the location of available wastewater utilities  
741 may be obtained through the City Utilities Department

742 E. Procedure for acceptance by the City

743 1. The City will review and approve engineering design plans and  
744 construction documents for all streets and utility elements approved  
745 as part of an approved subdivision and plat or re-plat. The  
746 subdivision developer will be responsible for obtaining approvals,  
747 permits, inspections, and sign-offs for all other utilities independently.

748 2. Once approved, the subdivision applicant shall be responsible  
749 for making all necessary street, utilities, and drainage improvements  
750 within the boundaries of the plat.

751 a. Such improvements will be inspected and certified by  
752 the design engineer and all improvements with respect to the  
753 street, right-of-way, wastewater utilities and stormwater  
754 utilities shall be warranted for a period of two (2) years in  
755 favor of the City.

756 b. The subdivision developer shall provide all other utility  
757 sign-offs and certifications to the City.

758 c. The City may elect to complete its own inspections on  
759 the street and its utilities pursuant to its approvals, permits,  
760 and design standards.

761 3. Once all inspections and certifications are approved by the  
762 City, the City will accept ownership of all rights-of-way, streets and

763 utilities within its control that lie within the boundaries of the  
764 subdivision and plat.

765 **Section 102.50. Construction Guarantee Amount:** The guarantee shall be in the  
766 following minimum amounts unless the owner can show that certain of the costs  
767 have already been paid:

768 A. The amount of the improvement guarantee shall cover 130 percent of  
769 the estimated construction costs or 110 percent of a binding contract with a  
770 contractor qualified for the proposed work.

771 B. The estimated cost of the water distribution network and main  
772 extensions shall be required. The cost may be estimated by the developer's  
773 engineer; however, such estimates shall be subject to approval by the FCAA  
774 and City.

775 C. The estimated cost of all required fire hydrants shall be required. The  
776 cost may be estimated by the developer's engineer; however, such estimates  
777 shall be subject to approval by the City.

778 D. The estimated cost of the sewer collection network and main  
779 extensions shall be required. The cost may be estimated by the developer's  
780 engineer; however, such estimates shall be subject to approval by the City.

781 E. The estimated cost of the stormwater collection system (retention (wet  
782 or dry), detention, exfiltration pipe and trenches, disposal wells, etc.) shall be  
783 required. The cost may be estimated by the developer's engineer; however,  
784 such estimates shall be subject to approval by the City.

785 F. The estimated cost of the electric power distribution network shall be  
786 required. The cost may be estimated by the developer's engineer; however,  
787 such estimates shall be subject to approval by the FKEC and City.

788 G. The owner's engineering and platting costs, verified by the engineer  
789 and surveyor.

790 H. The City engineer's estimate of engineering and inspection costs that  
791 will be incurred.

792 I. The pre-acceptance maintenance guarantee in the amount of ten  
793 (10%) percent of the construction costs.

794 J. The guarantee shall also provide for repair of damages and abatement  
795 of nuisances with respect to existing and subsequently installed streets,  
796 sidewalks, curbs and gutters, parkways, culverts, catch basins, or storm  
797 sewers for a period of 24 months after acceptance of the improvement by the  
798 Council.

799 K. All wastewater system development charges shall be paid and the total  
800 of required construction guarantees under this subsection shall be paid prior  
801 to the start of construction for subdivision infrastructure and prior to the  
802 recording of the approved plat.

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**Section 102.51. Forms of Guarantee: One (1) of the following forms of guarantee shall be submitted to the Council as part of the application for final plat review:**

**A. Cash Escrow: The developer shall establish an escrow account in a form approved by the City attorney in the amount required.**

**1. The account shall be established in a federally insured financial institution (escrowee). The escrowee shall administer the account in accordance with the provision of the escrow agreement between the Council and the applicant. The agreement shall contain provisions for specific application of the funds, contract payouts, contract retention percentages until complete; proration of reduction of deposit excess; final escrow settlement; and other pertinent administrative matters as may be required.**

**2. The escrowee shall disburse funds from time to time as ordered by the owner's engineer and approved by the City. The owner or escrowee may not approve disbursements. The City shall supply the owner a copy of the engineer's estimate for payment at the time of approval by the City. Each payout order shall be accompanied by all appropriate sworn statements, affidavits and supporting waivers of lien in full compliance with Florida law.**

**3. If the City determines that the balance of funds then remaining undisbursed is more than sufficient to cover the cost of the construction and maintenance fees, the City shall request the escrowee to pay to the owner any excess of funds. The request shall be in writing and include the reduced balance to be maintained in the account.**

**B. Letter of Credit: The applicant may file a straight commercial letter of credit from any financial institution acceptable to the Council in a form acceptable to the City attorney. The letter of credit must provide the following:**

**1. That the issuing financial institutions will pay to the City, or as the City directs, such amounts as may be required for the completion of the improvements.**

**2. That its amount will be reduced from time to time as payments approved by the City are made.**

**3. A statement of irrevocability for a minimum of 36 months from the date of final plat approval.**

**4. That if any balance remains at the expiration of any time limit placed on it, the balance shall be deposited with the City in a cash**

843 escrow, a new letter of credit in the unpaid balance amount shall be  
844 issued or a surety bond, in accordance with this article, shall be  
845 provided.

846 5. That ten (10%) percent of the amount shall be retained until  
847 the City and the Director have approved the improvements required.

848 C. *Surety Bond:* The bond shall be payable to the City and shall be in a  
849 form and with a bonding company approved the City attorney. The bond  
850 shall be enforceable for a minimum of 36 months from the date of final plat  
851 approval. Release of any bond shall be conditioned on final approval and  
852 acceptance of the improvements by the City.

853

854 Section 102.52 Other Guarantee Considerations:

855 A. *Time Limit:* All guarantees pursuant to either Section 102.48 or  
856 102.49, shall provide that if the construction of the required improvements is  
857 not completed after approval of the final plat, the City may deem the  
858 applicant to be in default pursuant to Section 102.52 D.

859 B. *Approval Required:* The guarantee amount is subject to approval by  
860 the Council and City attorney.

861 C. *Adjustment:* The costs may be reviewed periodically for accuracy and  
862 are subject to adjustment upward or downward by the Director based on  
863 existing economic conditions at the time of review and on the  
864 recommendation of the TRC.

865 D. *Default:* In the event the Director determines that the owner has failed  
866 to install the proposed improvements according to the approved plans and  
867 specifications or has failed to comply with the terms of the guarantees, the  
868 Director, in consultation with the City attorney may take the following  
869 actions:

870 1. *Cash Escrow and Letter of Credit:* Advise the owner in writing  
871 of the failure and providing the owner 30 days to cure the default. If  
872 the owner fails to cure the default or present compelling reason why  
873 no default should be declared, the Director may recommend to the  
874 Council that it declare the owner in default and upon written  
875 notification to the escrowee of such declaration of default, deem the  
876 balance under the deposit agreement as forfeited to the City, to be  
877 then placed in an appropriate trust and agency account subject to the  
878 order of the Director for such purposes as letting contracts to bring  
879 about the completion of the improvements indicated on the approved  
880 improvement plans or other appropriate purposes in the interest of  
881 the public safety, health, and welfare; or require the developer to  
882 submit an additional cash sum or letter of credit sufficient to



883 guarantee the completion of the improvements indicated on the  
884 approved improvement plans after recalculation in order to allow for  
885 any inflated or increased costs of constructing improvements.  
886 2. Surety Bond: Inform the bonding company in writing of the  
887 default by the owner and require the surety to perform on the bond  
888 and pay to the Department the balance of the bond.  
889 3. Failure to Comply: If the developer or surety fails to comply  
890 with the Director's requirements above, or if the Director determines  
891 that forfeiture of the remaining deposit or surety balance will not  
892 allow completion of the required improvements, the Director may  
893 suspend the right of anyone to build or construct on the undeveloped  
894 portion of the subdivision. For the purpose of this subsection the  
895 undeveloped portion of the subdivision means all lots other than lots  
896 which have been sold for personal use and occupancy or are under  
897 bona fide contract for sale to any person for personal use or  
898 occupancy. The Director shall give the developer ten (10) days'  
899 written notice of an order under this subsection, with copies to all  
900 issuers of letters of credit or sureties, as appropriate, who have  
901 outstanding obligations for any undeveloped portion of the  
902 subdivision, and shall record an affidavit of such notice in the public  
903 records of Monroe County.

904  
905 **Section 102.53 Final Plat Or Re-plat**

906 **A. Applicability: Any subdivision of land resulting in the creation**  
907 **of three or more parcels shall require a plat or re-plat pursuant to this**  
908 **Section. No additional review of plat elements shall be required as the**  
909 **elements of a plat are required as part of the submission and review of any**  
910 **minor or major subdivisions. All plats or re-plats shall:**

- 911 **1. comply with the City's Comprehensive Plan and Land**  
912 **Development Regulations;**  
913 **2. comply with Florida Statutes 177; and**  
914 **3. be recorded with the Clerk of the Court of Monroe County,**  
915 **Florida.**

916 **B. Prior to approval by the City, the plat shall be reviewed for**  
917 **conformity to this chapter by a professional surveyor and mapper either**  
918 **employed by or under contract to the local governing body, the costs of**  
919 **which shall be borne by the legal entity offering the plat for recordation, and**  
920 **evidence of such review must be placed on such plat. The required elements**  
921 **of a plat are defined in Section 102.47 D. 5 above and 177.091. Final**  
922 **technical review of a plat or re-plat for recordation shall be completed by a**

923 committee made up of the Planning Director or designee, Utilities Director or  
924 designee, City Engineer, the City Surveyor. The City engineer and surveyor  
925 shall be licensed to practice in the State of Florida.

926  
927 C. Every plat of a subdivision filed for record must contain a dedication by  
928 the owner or owners of record. The dedication must be executed by all  
929 persons, corporations, or entities whose signature would be required to  
930 convey record fee simple title to the lands being dedicated in the same  
931 manner in which deeds are required to be executed. All mortgagees having a  
932 record interest in the lands subdivided shall execute, in the same manner in  
933 which deeds are required to be executed, either the dedication contained on  
934 the plat or a separate instrument joining in and ratifying the plat and all  
935 dedications and reservations thereon.

936  
937 D. When a tract or parcel of land has been subdivided and a plat thereof  
938 bearing the dedication executed by the owners of record and mortgagees  
939 having a record interest in the lands subdivided, and when the approval of  
940 the City has been secured and recorded in compliance with this part, all  
941 streets, alleys, easements, rights-of-way, and public areas shown on such plat,  
942 unless otherwise stated, shall be deemed to have been dedicated to the public  
943 for the uses and purposes thereon stated. However, nothing herein shall be  
944 construed as creating an obligation upon the City to perform any act of  
945 construction or maintenance within such dedicated areas except when the  
946 obligation is voluntarily assumed by the governing body.

947  
948 E. Approval of a plat shall expire without further action of the PC or Council  
949 unless the plat has been recorded within one year of the date of Council  
950 approval of the plat. In order to avoid expiration, all plat documents outlined  
951 in this Section and that of 102.47 D. 5, must be complete and accepted by the  
952 City to obtain the signatures of City officials at least 30 days prior to the one-  
953 year expiration date.

954  
955 **Section 102.54 Vacation And Annulment of Plats Subdividing Land**

956 A. Application: An application for a plat vacation shall be submitted in  
957 accordance with Article 2, "Common Development Application Elements",  
958 of this chapter. An applicant must also provide the information listed below:

959 1. Proof of fee simple title to the whole or that part of the tract  
960 covered by the plat sought to be vacated.

961 2. A certificate, acceptable to the Director, showing that all state  
962 and City taxes and assessments have been paid.

963 **B. Notice:** Notice will be provided in accordance with Chapter 102,  
964 **Article 4, Table 102.06.1, “Required Public Notice for Development**  
965 **Applications.” Any action to vacate, revoke, modify or suspend an approved**  
966 **plat is subject to approval by the Council at a public hearing for which**  
967 **public notice has been provided.**

968 **1. Adoption of Resolution Required:** In the event a vacation,  
969 **revocation, modification or suspension is ordered, a resolution shall**  
970 **be adopted, setting forth the Council's findings and action.**

971 **2. Publishing of Resolution:** The adopted resolution shall be  
972 **published one time in a newspaper of general circulation, within 30**  
973 **days following the adoption.**

974 **C. Review and Approval:** Review and a recommendation for the  
975 **approval of a request for plat vacations shall be carried out in accordance**  
976 **with 177.01 F.S. The Council action shall be based upon findings that**  
977 **vacation and reversion to acreage will:**

978 **1.Conform to and be consistent with the Comprehensive Plan; and**

979 **2.Promote the public health, safety, and welfare.**

980  
981 **SECTION 4.** Amend Chapter 110, Definitions as follows:

982 **Parcel reconfiguration:** means the reconfiguration or realignment of lot lines  
983 **of from one (1) to three (3) adjacent parcels such that the resulting parcels**  
984 **are equal to or fewer in number and otherwise meet all other minimum**  
985 **requirements of the City’s Comprehensive Plan and LDRs.**

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988 ~~Plat: A map, prepared in accordance with Fla. Stat. ch. 177, on which the plan for~~  
989 ~~a subdivision is prepared and submitted for approval with the intention of~~  
990 ~~recording it in final form. **or re-plat:** means a map or delineated representation~~  
991 **of the subdivision of lands, being a complete exact representation of the**  
992 **subdivision and other information in compliance with the requirement of all**  
993 **applicable sections of this the City’s Land Development Regulations (LDRs)**  
994 **and Chapter 177, F.S.**

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998 **Simple Subdivision:** means the subdivision of a parcel with a duplex structure  
999 **into two separate parcels or alternatively, the subdivision of a vacant parcel**  
1000 **into two legal parcels each of which meets all of the requirements of the**  
1001 **City’s Comprehensive Plan and land Development Regulations.**

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~~Subdivision: The platting of real property into three (3) or more lots, parcels tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of new streets and alleys, additions, and re-subdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.~~ **means the division of land into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; which may include establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.**

**Subdivision, Major: means a subdivision which includes the approval and required construction of new streets which connect to existing public or private streets within the City.**

**Subdivision, Minor: means the subdivision of land which does not include any new streets within the City such that all resultant lots shall all have access to and from existing public or private streets within the City of Marathon.**

**SECTION 5.** All other existing provisions of Appendix A, “Land Development Regulations,” Chapter 102, of the Code of Ordinance of the City of Marathon, Florida shall be renumbered accordingly.

**SECTION 6.** The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 7.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 8.** It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**SECTION 9.** The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**SECTION 10.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS XX DAY OF \_\_\_\_\_, 2017.**

**THE CITY OF MARATHON, FLORIDA**

\_\_\_\_\_  
**Dr. Daniel Zieg, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

\_\_\_\_\_  
Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

\_\_\_\_\_  
City Attorney, David Migut