



**MEETING:** April 25, 2024

**Agenda Item Type:** Council Action

Second Public Hearing: May 9, 2024

**PLANNING AGENDA ITEM:**

First Reading and Introduction of Ordinance No. 2024-29, an ordinance of the City Council of the City of St. Cloud, Florida, amending Chapter 2, Development Process, Procedures, and Permits, Article 4, Subdivision Plans, Sections 2.4.1 through 2.4.12, of the Land Development Code, to update procedures for platting and vacations of easements; providing for severability; conflict; administrative correction; codification; publication and an effective date. (Above is full title) (Final Public Hearing will be heard on May 9, 2024) Action on Ordinance No. 2024-29.

**STRATEGIC PLAN GOAL:**

**Growth Management:** To create a vibrant, progressive and diverse community through collaborative planning.

**BACKGROUND INFORMATION:**

To forward City Council's desire to provide efficient, business-friendly processes, staff has reviewed the current processes for subdivision plans and easements. As a result, two parts of the process are recommended to shift from a Council decision to administrative (City Manager, Development Review Committee) decisions. Ordinance No. 2024-29 is proposed to address these streamlined processes.

The subdivision process is quite lengthy, requiring approvals of a preliminary subdivision plan, subdivision construction plan and the final plat to be recorded in Public Records. Currently, the City Council makes the final decision on the preliminary and final plats. For the preliminary subdivision plan, City Council approves the lot layout and gives direction on any special conditions to ensure the subdivision meets all applicable requirements and is compatible with adjacent properties. The subdivision construction plan includes survey and engineering information necessary to make the site improvements required to implement the approved preliminary plan, including any conditions forwarded by City Council. Any major changes or discrepancies outlined in the construction plans require an amendment to the preliminary subdivision plan for approval. The final plat document is recorded in Public Records for the subdivision. It reflects the approved preliminary subdivision plan at a survey level of detail, meeting all statutory requirements as well as applicable regulations and policies, and any conditions imposed with the preliminary plan approval. The plat is required to be recorded in Public Records prior to real estate transfers based on the subdivision approval, as well as occupancy permits. By the time the final plat is prepared, any major changes are required to be approved through amendments to the preliminary plan. As such, the additional approval by City Council is a redundant formality and can add sixty-plus days to the process, delaying the investment projects and negatively impacting investment decisions for jobs and services.

In addition, construction and utility easements are currently required to receive City Council

approval to vacate. Typically, generic easements were required with plats or specific easements were recorded for construction projects. Over time, with the current trend for redevelopment and development, these generic or special purpose easements may prove to be not necessary or even in conflict with City infrastructure needs. The easements are attached to real property and add restrictions depending on the purpose but the property is not owned by the City. As the needs shift, the processes need to accommodate both the creation of new easements and release of the unnecessary or conflict easements. The State Statutes are clear on these restrictive easements, with vacation of easements based on the lack of a public purpose. Likewise, new development/redevelopment is required to grant any required easements for the proposed growth. Any remnant easements based on earlier approvals would be more efficiently released administratively.

At this meeting, City Council is asked to authorize staff to advertise the final public hearing for adoption, tentatively scheduled for May 9, 2024. There is no public input at this meeting, and there will be no presentation from staff.

**REQUEST:**

The request is to approve the introduction of Ordinance No. 2024-29 and authorize publication of ordinance for final hearing.

**LEGAL AUTHORITY:**

The City Council shall review the recommendation from the Planning Commission and render a decision based on the recommendation and information presented. Based on Section 7.03 of the Charter and Related Laws, The City Council shall adopt, and from time to time modify, a comprehensive plan setting forth in graphic and textual form policies to direct the future physical development of the city as provided by law. The City Council has the final authority and responsibility for the adoption and enforcement of regulations for the development of land which are based on, related to, and are a means of implementation for the adopted comprehensive plan required by the laws of this state in accordance with 3.21.1 of the Land Development Code.

**BUDGET AND RECOMMENDATION:**

There is no cost associated with this item.

**FINANCE DIRECTOR'S COMMENTS:**

N/A

**PROCUREMENT DIRECTOR'S COMMENTS:**

N/A

**CITY MANAGER'S COMMENTS:**

City Manager recommends approval

**CITY COUNCIL ACTION:**

05/09/2024 - Final Hearing