

ORDINANCE NO. 2025-10

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AN ORDINANCE OF THE CITY COMMISSION OF PALMETTO, FLORIDA AMENDING CHAPTER 26 OF THE PALMETTO CODE OF ORDINANCES REGARD THE REQUIRING FOR AND PROCESSING OF SUBDIVISION PLATS; FINDING THE AMENDMENTS BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Palmetto, Florida, has been given authority by the State of Florida pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapters 163 and 177, Florida Statutes, to adopt, amend and update the text of the City of Palmetto Code of Ordinances regarding subdivision regulation; and

WHEREAS, the Florida Legislature amended Chapter 177, Florida Statutes, provide for modifying the requirements and processing of subdivision plats by local governments; and

WHEREAS, the City Commission desires to clarify and amend provisions regulating and relating to the requirements of and the processing of subdivision plats to be consistent with Florida law; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, did hold a duly noticed public hearing on September 19, 2024, to consider said amendments to the Code of Ordinances; and

WHEREAS, after holding the required public hearings and considering all information provided, the City Commission finds the amendments consistent with the Palmetto Comprehensive Plan and adopts text amendments to Chapter 26 of the Palmetto Code of Ordinances as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF PALMETTO, FLORIDA, AS FOLLOWS:

Section 1: The above “Whereas” clauses are hereby adopted and incorporated herein as findings of fact.

Section 2: Amend Chapter 26 of the Palmetto Code of Ordinances is hereby amended as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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Section 4: That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

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Section 5: Upon becoming effective, the City Clerk is hereby directed to provide for codification of the text changes as provided herein.

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Section 6: This Ordinance shall become effective upon the execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and the passing of the Ordinance by at least four (4) votes.

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PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this ____ day of _____, 202_.

First Reading: _____

Publication: _____

Second Reading and Public Hearings: _____

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

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By: _____
DANIEL WEST, MAYOR

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ATTEST: James R. Freeman, City Clerk

By: _____
City Clerk/Deputy Clerk

Exhibit "A"

1. Amend Section 26-2 of the Palmetto Code of Ordinances to read in its entirety as follows:

Section 26-2. – Authority.

~~These subdivision regulations are adopted under the authority granted by the Manatee County Planning Law, H.B. 2384, Special Acts of Florida, 1963 [Laws of Fla. 63-1599]. The planning and zoning board and city council have fulfilled the requirements set forth in the law.~~ These subdivision regulations are authorized by Chapter 177, Florida Statutes.

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2. Amend the definition of "Plat" in Section 26-4.1 of the Palmetto Code of Ordinances to read in its entirety as follows:

Section 26-4.1. - Definitions

Plat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable sections of this and other ordinances and statutes, and ~~may~~shall include the terms "replat", "amended plat," or "revised plat." (Section 177.031(14), F.S.) All plats shall include the square footage of each individual lot.

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3. Amend Section 26-9 of the Palmetto Code of Ordinances to read in its entirety as follows:

Section 26-8. – Fees

- (a) The director of public works is hereby authorized to prepare and set a schedule of any and all fees which are necessary and appropriate for the purpose of effectuating the intent and provisions of this chapter subject to the approval of ~~city council~~City Commission. Such fees may be adjusted from time to time within the discretion of the director of public works, as approved by the ~~city council~~City Commission.
- (b) General requirements. The applicable fee shall be paid at the time of submission of each phase of the subdivision plat.

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4. Amend Section 26-9 of the Palmetto Code of Ordinances to read in its entirety as follows:

Section 26-9 – Preliminary plat review.

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- (a) *Submission.* The preliminary plat shall be submitted to the department of public works with the application and the required fee. A preliminary plat cannot be submitted for review until the property has conforming zoning and land use designations which are appropriate for the proposed development.

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The department of public works shall distribute the preliminary plat to all appropriate reviewing City departments and other agencies.

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- (b) *Administrative staff review.* Within a reasonable period of time, the administrative staff shall review the preliminary plat for compliance with:

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- (1) The comprehensive plan of the city.
- (2) The Code of Ordinances of the city.
- (3) The application requirements.
- (4) The subdivision design standards.
- (5) The standards for subdivision improvements.

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The ~~administrative staff~~director of public works shall either approve, approve with conditions, or deny the preliminary plat and may recommend any necessary revisions. The decision, which may not be assigned to another City staff member, shall be presented in writing to the applicant.

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~~If the administrative staff approves the preliminary plat or approves the preliminary plat with conditions, the preliminary plat shall be submitted to the planning and zoning board for review.~~

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~~If the administrative staff denies the preliminary plat, the applicant must resubmit a revised preliminary plat for administrative staff review. The revised plan shall incorporate all required revisions as outlined in the staff decision.~~

- ~~(c) *Planning and zoning board review.* The planning and zoning board shall review the preliminary plat for compliance with the following items:~~

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- ~~(1) The comprehensive plan of the city.~~
- ~~(2) The Code of Ordinances of the city.~~
- ~~(3) The application requirements.~~
- ~~(4) The subdivision design standards.~~
- ~~(5) The standard for subdivision improvements.~~

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~~The planning and zoning board shall either approve, approve with conditions, or deny the preliminary plat and may recommend any necessary revisions. The recommendation of the planning and zoning board shall be submitted to city council for consideration as council reviews the preliminary plat application.~~

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- (d) ~~City council review. The city council shall review the preliminary plat for compliance with the following items:~~

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~~(1) The comprehensive plan of the city.~~

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~~(2) The Code of Ordinances of the city.~~

~~(3) The application requirements.~~

~~(4) The subdivision design standards.~~

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~~(5) The standard for subdivision improvements.~~

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~~The city council shall then approve, approve with conditions or deny the preliminary plat. If the city council approves the preliminary plat, the applicant is authorized to proceed to the construction drawings review.~~

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If the ~~city council~~director of public works approves the preliminary plat with conditions, the applicant is authorized to proceed to the construction drawings review, and shall incorporate all recommended revisions into the construction drawings and final plat, as required.

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If the ~~city council~~director of public works denies the preliminary plat, ~~the director of public works shall notify the reasons for denial in writing. The notification delivery shall identify all areas of non-compliance and include specific citations to each requirement the plat fails to meet.~~ ~~¶~~The applicant ~~must~~may submit a revised preliminary plat for administrative staff review. The revised preliminary plat shall incorporate all revisions as recommended by ~~city council and administrative staff~~the director of public works.

- (e) *Effective period for preliminary plat approval.* The construction drawings and final plat shall be submitted within ~~one~~two (2) years of the date of ~~city council~~director of public works approval of the preliminary plat or the preliminary plat approval will expire. If the preliminary plat approval expires, resubmittal of the preliminary plat and payment of applicable fee will be required.

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- (f) *Restrictions of preliminary plat approval.*

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(1) An applicant may contract to sell, but may not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the ~~city commission~~director of public works and recorded by the clerk of the circuit court.

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(2) An applicant may not obtain a temporary or final certificate of occupancy until the final plat is approved ~~pursuant to section 26-11.~~

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(g) *Vested rights in preliminary plat.* An applicant shall have vested rights in a preliminary plat that has been approved by the ~~city commission if all of the following conditions are met~~director of public works.

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~~(1) The applicant relies in good faith on the approved preliminary plat or any amendments thereto.~~

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~~(2) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.~~

5. Amend Section 26-10 of the Palmetto Code of Ordinances to read in its entirety as follows:

Section 26-10. – Construction drawings review.

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(a) *Submission.* The construction drawings shall be submitted to the department of public works with the application and the required fee. Construction drawings shall be prepared and certified for all required improvements by a Florida registered engineer. Plans shall be drawn at a scale no smaller than one (1) inch equals fifty (50) feet (1;inch; = 50;ft;) unless otherwise specifically authorized. The developer may apply for concurrent review of construction drawings and the preliminary plat. The applicant shall also submit an estimate of the cost of public improvements to be installed in conjunction with this subdivision, certified by a civil engineer registered in the State of Florida.

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The department of public works shall distribute the construction drawings to all appropriate departments and reviewing agencies.

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(b) *Administrative staff review.* Within a reasonable period of time, the administrative staff shall review the construction drawings for compliance with:

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- (1) The comprehensive plan of the city.
- (2) The Code of Ordinances of the city.
- (3) The application requirements.
- (4) The subdivision design standards.
- (5) The standards for subdivision improvements.

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The ~~administrative staff~~director of public works or the director's assignee shall either approve or deny the construction drawings, and may recommend any necessary revisions. The ~~administrative staff~~director of public works for the director's assignees' decision shall be presented to the applicant in writing. In addition, the city engineer shall verify in writing the estimated cost of public improvements, which may or may not be in agreement with the applicant's estimate.

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- (c) *Effect of the administrative staff decision.* If the ~~administrative staff~~director of public works or the director's assignee approves the construction drawings, the developer may commence site development and installation of improvements provided that the required bond is posted and the applicant is authorized to prepare the final plat.

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If the ~~administrative staff~~director of public works or the director's assignee denies the construction drawings, the applicant shall resubmit the construction drawings, incorporating all required revisions as outlined in the administrative staff's decision.

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- (d) *Exceptions when construction drawings not required.* Construction drawings are not required for minor subdivisions. Since there are no public utilities or streets to be developed, a performance security will not be required. The applicant shall then be released from submitting construction drawings and may apply for final plat review.

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6. Amend Section 26-11 of the Palmetto Code of Ordinances to read in its entirety as follows:

Section 26-11. – Final plat review.

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- (a) *Submission.* The final plat shall be submitted to the department of public works with application and required fee. The developer must have an approved preliminary plat prior to applying for final plat review. The developer may apply for concurrent review of the construction drawings and the final plat. However, the final plat will not be ~~submitted to city council-approved~~ until the construction drawings, cost estimate of public

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improvements and performance security have been approved. by director of public works. Within seven (7) business days after receipt of a plat or application, the director of public works shall provide written notice to the applicant acknowledging receipt of the plat submittal and identifying any missing documents or information necessary to process the plat. The written notice shall also provide information regarding the plat approval process including requirements for completeness of process and application time frames for reviewing, approving and processing the application.

The department of public works shall distribute the final plat to all appropriate reviewing agencies.

- (b) *Administrative staff review.* Within ~~a reasonable period of time~~ 180 days, the administrative staff shall review the final plat for compliance with the approved preliminary plat and Chapters 9 and 177, Florida Statutes.

In a written report, the administrative staff shall recommend to the ~~city council~~ director of public works one (1) of the following actions:

- (1) Approval;
- (2) Approval with minor technical revisions required; or
- (3) Denial.

The final plat shall be in its final complete form at the time of the staff's review. However, there may be certain minor errors which may have been made such as a misspelled word, or an error in the legal description which does not alter the size or general location of the project. These minor revisions may be corrected if they will not alter the ownership of the property, the subdivision design, the dedication and the reservations of property, or the installation of required improvements. Any deviations from the approved preliminary plat which are of a major nature and/or which will not comply with the minimum requirements regarding the subdivision design, dedication and reservations of property, or the installation of required improvements will ~~constitute~~ result in a denial of the final plat.

- (c) ~~City council~~ Director of public works review. The ~~city council~~ director of public works shall review the final plat for compliance with the approved preliminary plat, staff's recommendation, this Code and Chapters 9 and 177, Florida Statutes.

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The ~~city council~~director of public works shall then approve or deny the final platwithin the time frame provided in subsection (b) above. If the director of public works denies the preliminary plat, the director of public works shall notify the reasons for denial in writing. The notification shall identify all areas of non-compliance and include specific citations to each requirement that the plat fails to meet. The ~~city council~~director of public works may stipulate that certain minor technical revisions are made. The director of public works or his designee may not request or require an applicant to file for extension of time.

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- (d) *Effect of ~~city council~~final plat approval.* Approval ~~by the city council of the~~ final subdivision plat shall authorize the recording of the subdivision plat. The approval of the final plat shall also constitute acceptance of all rights-of-way and easements shown on the final plat, except those areas which are specifically reserved or those areas which are specifically refused by the ~~city council~~director of public works at the time of approval of the plat. The required improvements will be accepted by the city when the city engineer has certified in writing that the improvements have been constructed in accordance with the approved construction drawings and the defect security has been approved by the city attorney.
- (e) *Recording of the final plat.* Upon approval of the final plat by ~~city council~~director of public works, the city clerk shall transit the plat to the clerk of the circuit court for recording. The owner shall provide to the city all documents and recording fee required by county and state law to accomplish the recording.

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7. Amend Section 26-16 of the Palmetto Code of Ordinances to read in its entirety as follows:

Section 26-16. – Final plat application.

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- (a) *Preparation.* A final plat shall be prepared under responsible direction and supervision of a certified land surveyor. The final plat shall be prepared ~~with black India permanent ink and shall comply~~in accordance with the material requirements of Chapter 177 of the Florida Statutes. The size of each sheet shall not be larger than twenty-two (22) inches by twenty-eight (28) inches which shall include a one-inch margin on each of three (3) sides, and a three-inch margin on the left side for binding purposes.

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~~In all cases, the requirements of Chapters 9 and 177 of the Florida Statutes shall govern.~~

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(b) *Required general information.*

(1) Name of subdivision shall be shown on the plat and also on the dedication where it shall coincide exactly with the subdivision's name.

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(2) Location.

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a. Section, township, and range in which the subdivision is located.

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b. The name of the city, county, and state in which the land is located.

c. Legal description, which shall be exactly the same as in the title certification.

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d. All section lines and quarter section lines within the plat shall be shown. Also, the initial point in the description shall be tied to the nearest governmental corner or other established corner.

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(3) Name and address of property owner and surveyor.

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(4) All adjacent property shall be identified by subdivision title, plat book and page, or if unplatted, the property shall be so designated.

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(5) Permanent reference monuments.

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(6) Permanent control points.

(7) Documents containing restrictive covenants, if applicable. (Note: Deed restrictions are neither reviewed nor enforced by the city. Therefore, the proposed restrictive covenants do not include deed restrictions.)

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(c) *Subdivision design.*

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(1) Numeric designation, location and width of all street rights-of-way.

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(2) Location, width and intended use of all easements.

(3) Lot and block numbers.

(4) Survey data.

a. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, alley, and other areas shown on the plat.

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- b. Lot, block, street and all other dimensions shall be shown to a minimum of hundredths of feet. All bearings, angles and azimuth shall be shown to the nearest second of arc.
 - c. Curvilinear lots shall show the radii, arc distances and central angles or radii, chord and chord bearing.
 - d. The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, P.C.s, P.T.s, P.R.C.s, P.C.C.s, arc distance, central angles, tangents, radii, chord and chord bearing or azimuth, or both.
- (5) Purpose and location of all areas dedicated or reserved to the public or to the inhabitants of the subdivision.
- (6) All interior excepted parcels shall be clearly indicated and labeled "Not a part of this plat."
- (d) *Certifications.*
- (1) Title certification.
- A title opinion from an attorney licensed to practice in Florida or a certification by an abstractor or title company shall state that apparent record title to the land described and shown on the plat is the name of the person(s) or corporation who are executing the dedication. The title certification shall also show all mortgages not released. The title certification shall be dated within thirty (30) days of the date the plat is recorded.
- (2) Certificate of ownership and dedication.
- The owner(s) of the property shall state that they dedicate all rights-of-way, public areas, utilities and easements to the public. In addition, all mortgagees shall execute the dedication contained on the plat or a separate document joining in and ratifying the plat and all dedications and reservations.
- (3) Reservation of easements.
- (4) Surveyor's certification, registration number and seal.
- (5) Certificate of approval of the city engineer.
- (6) Certificate of approval of the ~~mayor and city council~~ director of public works on behalf of the City.

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- (7) Certificate of acceptance by the clerk of the circuit court of Manatee.

8. Amend the title of Article X of Chapter 26 and Section 26-70 of the Palmetto Code of Ordinances to read in its entirety as follows:

Article X. – ~~Variances~~Specific approvals.

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Section 26-70. – General requirements.

Where topographical, technical, preservation or other conditions peculiar to a site exist and where strict adherence to this Code would cause unnecessary hardship, the city ~~council~~commission may ~~authorize a variance or modification~~grant Specific Approval according to the following procedures provided that the intent of this Code is not altered. The applicant may request (in writing) variances or modifications for the following items: in accordance with the following criteria:

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- (1) ~~Planned developments. Any variance or modification to this chapter shall be specifically requested at the time of application for planned development rezoning.~~
- (2) ~~Standards for private facilities. Street right of way widths, sidewalk widths, or pavement surfaces may be waived, reduced, or changed.~~
- (3) ~~Any request for a variance shall require public notice of the planning and zoning board and city council meetings. A sign shall be posted at least fifteen (15) days before each meeting containing language as provided by the city.~~
- (1) The proposed specific approval is equal to or superior to the Code requirements.
- (2) Will not impact surrounding properties adversely compared to the existing Code requirement.
- (3) Is consistent with the intent of the Code.
- (4) The specific approval is in the best interest of the health, safety and welfare of the City and its residents.

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The City Commission shall review the request for specific approval and determine whether to grant specific approval.

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The City Comprehensive Plan provisions may not be modified by specific approval.

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9. Amend Section 26-71 of the Palmetto Code of Ordinances to read in its entirety as follows:

Section 26-71. – ~~Variances~~Modification for construction standards.

The city engineer may authorize a modification to the public works design standards when he determines that the methodology proposed by the developer is equal to or exceeding the applicable city standard. Modification to the construction standards shall be requested in writing with the construction drawing review, and the developer shall submit the appropriate data which will enable the city engineer to determine the superiority of the proposal.

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