

ORDINANCE NO- 06-2026

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 67, ARTICLE I AND ARTICLE II TO COMPLY WITH SB784 REGARDING ADMINISTRATIVE PLAT APPROVALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the adoption of Senate Bill 784 has necessitated an update of the Town Code procedures for platting; and

WHEREAS, the Town’s Planning and Zoning Board has conducted a public hearing to review the proposed amendments to the Code and has provided a recommendation to the Town Commission; and

WHEREAS, the Town Commission, after its review of the recommendations from the Planning and Zoning Board, and after due notice and public hearings finds that it is appropriate and necessary to amend Chapter 67 entitled “Land Development Code”.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

Section 2. Chapter 67 of the Lake Park Code of Ordinances, entitled “Land Development Code” is hereby amended to read follows:

Chapter 67 LAND DEVELOPMENT CODE¹

ARTICLE I. IN GENERAL

(...)

Sec. 67-5. Responsibility for administration and enforcement.

The ~~town manager~~ Community Development Director shall administer the provisions of this chapter ~~under the direction of the town commission and in consultation with the director or an engineer licensed in accordance with F.S. ch. 471.~~

(Ord. No. 7-1993, § III, 2-3-1993; Code 1978, § 33-106)

(...)

Sec. 67-7. Approval for recording.

Whenever land is subdivided, it shall be recorded in the office of the clerk of the circuit court except that no subdivision shall be entitled to recording in such office until it shall have been approved in the manner prescribed in this chapter and until the developer of the subdivision has paid to the town the amount of money necessary, as determined by the ~~town manager's adopted fee schedule~~, to reflect the subdivision on the town map or as otherwise required by these regulations.

(Ord. No. 7-1993, § III, 2-3-1993; Code 1978, § 33-108)

(...)

Sec. 67-9. Violations.

Any person, who being the owner of any land located within the town or within the platting jurisdiction granted to the town thereafter transfers or sells such land, or any part thereof, by reference to a plat showing a subdivision of such land before such plat has been approved ~~by the town commission~~ and recorded in the office of the clerk of the circuit court of the county and any person to whom such transfer or sale is made, shall be guilty of a second degree misdemeanor and shall be punished accordingly, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from constituting an offense hereunder. The town, through its attorney or other official designated by the town commission, may enjoin such transfer or sale by action for injunction at the direction of the town commission, whether or not the violator has been charged or found guilty of a violation.

(Ord. No. 7-1993, § III, 2-3-1993; Code 1978, § 33-110)

Secs. 67-10—67-31. Reserved.

¹Cross reference(s)—Any ordinance dedicating or accepting any plat or subdivision in the town saved from repeal, § 1-6(11); environment, ch. 10; buildings and building regulations, ch. 54; environmentally significant lands, ch. 58; floodplain regulations, ch. 60; historic preservation, ch. 66; streets, sidewalks and other public places, ch. 72; waterways, ch. 76; zoning, ch. 78.

ARTICLE II. PLATTING, CONCEPTUAL PLAN AND DEVELOPMENT PLAN²

(...)

Sec. 67-33. Filing of plat.

Final plats for subdivisions in the town shall not be recorded until the developer has installed the required improvements or has guaranteed to the satisfaction of the town that such improvements will be installed.

- (1) *Completion of required improvements prior to final plat recording.* In the event the developer exercises the option to construct and complete required improvements prior to recording of the final plat, the town shall hereby reserve the right to enter upon the developer's property to be platted for the purpose of reviewing the construction of the required improvements during the progress of such construction. The developer, in choosing to construct improvements prior to approval and recordation of the plat, does so at the developer's own risk. The town's review of construction does not signify concurrence with or acceptance of the improvements. The developer's engineer shall coordinate the construction with the community development director. Upon completion of required improvements, the engineer of record will present to the community development director:
 - a. The final subdivision plat.
 - b. The engineer's certificate of completion of required improvements. Such certificate shall certify to construction in conformance with the approved plans. The certificate shall be signed and sealed by the developer's engineer and shall be in a form approved by the community development director. Such certificate shall make specific reference to and be accompanied by copies of measurements, tests and reports made on the work and material during construction, and by a record drawing copy of the construction plans on a high quality, time-stable, reproducible Mylar showing the original design in comparison to the actual finished work with all material deviations noted thereon.
 - c. A developer's warranty on workmanship and materials. Such warranty shall guarantee the required improvements against defect in workmanship and material for a period of one year from acceptance by the community development director and be in a form acceptable to the town attorney.
 - d. A cash bond, surety bond or other guarantee satisfactory to the town attorney in an amount determined by the community development director in support of the developer's warranty.

After review and concurrence with the submittal, the community development director shall ~~submit the plat to the town commission for its approval~~ approve the plat. Upon such approval, the ~~community development director~~ applicant shall file the plat in the office of the clerk of the circuit court of the county.

- (2) *Completion of required improvements after plat recordation.* When the developer desires to record the plat in lieu of prior construction of required improvements, the developer shall file with the community development director documents and guarantees which shall be incorporated in the bonded

²State law reference(s)—Platting, F.S. § 177.011 et seq.

agreement for the construction of the required improvements in the form prescribed by the town. Such documents and guarantees shall include:

- a. The final subdivision plat.
 - b. A certified cost estimate for the installation of required improvements in the amount of 110 percent of the value of all improvements and associated costs.
 - c. A cash bond, surety bond or other guarantee which is determined to be satisfactory as to form by the town attorney and in the amount of the certified cost estimate.
- (3) *Administrative fee; approval.* An administrative fee shall be assessed by the town for partial reduction of cash bonds over the course of installation of required improvements. All agreements, guarantees and documents shall be subject to the approval of the town attorney. After review and approval of the submittal, the community development director shall ~~submit the plat to the town commission for its approval~~ approve the plat. Upon such approval, the ~~community development director~~ applicant shall file the plat in the office of the clerk of the circuit court of the county. Upon completion of required improvements, the engineer of record shall present to the community development director:
- a. The engineer's certificate of completion of required improvements. Record drawings may be provided in digitized form acceptable to the town if approved by the community development director.
 - b. A developer's warranty on workmanship and materials.
 - c. A cash bond, surety bond or other guarantee satisfactory to the town attorney in an amount determined by the community development director in support of the developer's warranty.
- (4) *Authorized release of bonded agreement; guarantee.* After review and approval of the submittal, the community development director will authorize release of the bonded agreement for completion of required improvements noted above. All agreements, guarantees and documents are subject to approval by the town attorney. Guarantees shall be in one of the following forms unless an alternate irrevocable form is approved in writing by the town attorney and is approved by the town commission:
- a. Cash deposit.
 - b. Personal bond with letter of credit.
 - c. Surety bond.

(Ord. No. 7-1993, § III, 2-3-1993; Code 1978, § 33-125)

Sec. 67-34. Approval required for plat recording.

Within 7 business days of receipt, the community development director or designee shall review the plat for minimum sufficiency and provide written notice to the applicant acknowledging receipt, and any missing documents required by the application and necessary to process the plat or replat, the notice shall also provide minimum submittal sufficiency requirements, review and approval timeframe, and identify any deficiencies. The Town shall adhere to the review and approval timeframe unless the applicant requests a time extension pursuant to State Statute 177.071 (3). Upon the determination of compliance with the regulations of this chapter by all required reviewers, the community development director shall approve the plat. If the plat does not comply with the regulations of this article, the community development director or designee shall furnish the developer's authorized agent a written statement of the deficiencies pursuant to State Statute 177.071 (3). No plat of any subdivision shall be entitled to record in the office of the clerk of the circuit court or have any validity until it shall have been approved in the manner provided in this chapter.

(Ord. No. 7-1993, § III, 2-3-1993; Code 1978, § 33-126)

Sec. 67-35. Procedure for obtaining a minor replat.

- (a) *Review by department.* The community development department director ~~may~~ shall approve a minor replat that conforms to the requirements of this article.
- (b) *Submittals.* The department shall consider a proposed minor replat upon the submittal of the following materials:
 - (1) An application form provided by the department;
 - (2) One digital copy ~~Three paper copies~~ of the proposed minor replat;
 - (3) A statement indicating whether water and/or sanitary sewer service is available to the property;
 - (4) Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the state. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application; and
 - (5) A ~~\$150.00 application fee~~ for administrative and review costs shall be established by the Town's current adopted fee schedule. If a deposit is required to be applied toward professional fees, the deposit should be placed in escrow.
- (c) *Review procedure.*
 - (1) The department shall transmit a copy of the proposed minor replat to the town manager, town engineer, and town attorney for review and comments.
 - (2) If the proposed minor replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the director shall approve the minor replat by signing the application form.
- (d) *Recordation.* Upon approval of the minor replat, the applicant or developer shall record the replat of the maps and documents, and shall, at the developer's expense, record the replat in the official county records and provide the department and town clerk a certified or stamped copy of the recorded maps and documents.

(Ord. No. 7-1993, § III, 2-3-1993; Code 1978, § 33-127)

(...)

Section 3. Codification. The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Lake Park. The sections of the ordinance may be re-numbered or re-lettered to accomplish such.

Section 4. Severability. If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance

Section 5. **Effective date.** This ordinance shall take effect immediately upon execution.