



#### **Sec. 70.04. Application and Scope.**

(a) *General application.* The requirements of this chapter shall apply to all subdivision and re-subdivision of land except as provided in subsection (b). No person shall subdivide any land or re-subdivide existing platted lots within the city except in conformity with the provisions of this chapter and applicable Florida Statutes. In no case shall any subdivision take place that creates a lot that cannot be developed under the land development regulations of the City of Vero Beach.

(b) *Exemptions.* Except as specifically provided for herein, the following shall not be subject to this chapter:

- (1) Any lots or lots of record forming a part of a subdivision created by plat or deed and recorded prior to July 3, 1984, unless a further division or reconfiguration of any such lots or lots of record is made.
- (2) The subdivision of land by or conveyance of land to a governmental entity or agency or to a nature conservation organization qualified as tax exempt under the United States Internal Revenue Code, Section 501 (c)(3).
- (3) The government acquisition of land for the widening or opening of streets through eminent domain proceedings, or through voluntary conveyance of land by the owner in lieu of formal eminent domain proceedings.
- (4) Any division of land by order of a court of competent jurisdiction.
- (5) Any division of land owned by the City of Vero Beach at the Vero Beach Municipal Airport.
- (6) The vacation of right-of-way by the City of Vero Beach or other governmental entity or agency.

(c) *Categories of approvals.* All re-subdivision and subdivision approvals under this chapter shall be divided into the following categories:

- (1) *Administrative approvals.* If no new streets or changes in existing streets are involved, administrative approval by the planning director is required pursuant to the procedures and standards in section 70.11 for the following:
  - a. Re-subdivision of platted lots or lots of record;
  - b. Subdivision of land for nonresidential uses;
  - c. Platted-over subdivision involving a new duplex or townhouse development of 4 dwelling units or less subject to an approved minor site plan or minor amendment to a major site plan pursuant to part III, chapter 64 of this Code;

- d. Platted-over subdivision of an existing duplex or townhouse development subject to an approved minor site plan pursuant to part III, chapter 64 of this Code; and
- e. Platted-over subdivision of land involving new nonresidential development subject to a minor site plan or minor amendment to a major site plan as applicable, pursuant to part III, chapter 64 of this Code.

(d) *Platted-over subdivisions.* The approval process and procedures of this chapter for subdivision of land are modified for projects involving the platting-over of land based on an approved site plan as follows:

- (1) A complete site plan application for the platted-over subdivision project shall be submitted concurrently with the application required for subdivision approval of the project pursuant to this chapter.
- (2) The applications for platted-over subdivision and site plan approval shall be processed and reviewed concurrently in accordance with procedures and standards of this chapter and part III, chapter 64 of this Code.
- (3) Preliminary and final plat approval is subject to the approval of the overlying site plan.
- (4) Notwithstanding the provisions of part III, chapter 64 of this Code regarding site plan approvals, any preliminary and final plat approved pursuant to the procedures for a major subdivision shall require city council approval of the site plan governing the platted-over subdivision of land.

(e) *Platted-over subdivision lots and development standards.* The approved site plan for projects being platted over shall govern access/frontage requirements, internal setbacks, lot size and dimensional requirements, and the location and dimensions of all structures and required project improvements. Lots in the approved site plan for a site planned plat-over shall identify the following:

- (1) For residential lots, the dwelling unit area and immediately adjacent improved accessory living areas, such as porches, courtyards, driveways, patios and pools, and other impervious areas; and
- (2) For nonresidential lots, the building area, parking and traffic circulation, and other impervious areas.

**Sec. 70.11. Administrative approvals.**

(a) *Application.* A complete application shall be submitted to the planning and development department accompanied by a nonrefundable application fee pursuant to section 64.03 of this Code. The application shall be in a form as prescribed by the planning director and shall contain, but not necessarily be limited to the following as applicable:

- (1) A copy of the recorded plat book and page, or copies of the recorded deeds establishing the lots, if unplatted, whichever is applicable.
- (2) Copies of the most recent deeds for all of the affected lots.
- (3) A sketch survey showing existing and proposed lot lines.
- (4) Legal descriptions of the combined or revised lots.
- (5) A boundary survey of the proposed platted lands prepared and sealed by a surveyor.
- (6) A proposed final plat prepared and sealed by a surveyor in a format prescribed by the city surveyor.
- (7) A title opinion of a licensed Florida attorney or certification by a title insurance company authorized to do business in Florida showing the record title to the land as described and shown on the plat is in the name of the person(s) or entity making the dedication; and showing all mortgages, liens, and other encumbrances not satisfied, released, or otherwise terminated by law.
- (8) If the application is for a re-subdivision, a written statement and documentation acceptable to the planning director documenting that the revised platted lots meet the standards of (Chapter 70) subsection 70.14(b) and are compatible with established development patterns.
- (9) A school impact analysis for any new residential development not exempted pursuant to Chapter 910 of the Indian River County Code.