

**Sec. 62-2841. - Application for final plat review and approval.**

(a) *General.* The final plat submitted for approval by the board shall meet the requirements of F.S. ch. 177, and subsections (c) and (d), as amended, and shall be in conformity with the preliminary plat as approved. The purpose of this section is to set forth the standards and procedures applicable to submitting and obtaining approval for subdivision plats. The regulations contained in this Code are in additions to those set forth in F.S. ch. 177 and the Florida Administrative Code, (F.A.C.), 61G17-6.

(b) *Filing.* Five copies of the final plat, and one electronic copy shall be submitted to the county with the documents specified in subsection (c) for a 15-working day review.

(c) *Information required to accompany the plat.*

(1) Applicable review fees.

(2) Boundary survey.

a. The submitted plat shall be accompanied by a boundary survey that complies with F.A.C. 61G17-6 and is signed and sealed by the surveyor and mapper whose signature and seal appears on the dedication block of the plat. The survey must be current within 180 days of submittal.

b. Plats bordering on tidally affected navigable waters shall comply fully with the requirements of F.S. ch. 177, part II relative to the determination of the mean high water (MHW) and the notification requirements set forth therein. Said boundary line shall be delineated by bearings and distance.

c. Plats bordering on nontidal navigable waters shall establish the ordinary high water line in accordance with accepted methods and procedures. Said boundary line shall be delineated by bearings and distances.

d. A witness line referencing the boundary line in [subsection] 2(b)(c) shall be established and monumented when the boundary line cannot be monumented due to obstructions, or when such corners are in an inaccessible place.

(3) Title opinion/certification. The title opinion/certification shall accompany the boundary survey and shall contain names of owner(s) with fee simple title, mortgagee(s), if any, and list all easements and other encumbrances, if any, impacting the property. The legal description of the property contained in the title opinion/plat certification shall be identical to the legal description shown on the plat. The title work must be current within 180 days of submittal. Prior to recordation of the plat in the public records, the plat certificate must be updated and be issued within 30 days of the recordation date.

(4) Security for performance of construction as provided in this Code or security for maintenance for public improvements meeting the requirements of this Code if the infrastructure improvements have been completed and a certificate of completion has been requested as provided in this Code.

(5) All paperwork required by reviewing agencies shall include but not be limited to the final plat check sheet completed, signed and sealed by the surveyor of record, and the closure sheets

showing the lot/tract designation, acreage, and/or square footage and mathematical error of closure; digital copy of the final plat in a "dwg" format that meets the requirements outlined in the final plat check sheet and has been approved by all agencies.

(6) Vertical control field notes that comply with the county vertical control manual for the required permanent benchmarks, only if no performance bond is in place. (See subsection (d)(6)h. for further explanation).

(d) *Requirements and information on the plat.*

(1) Sheet layout.

a. Size and material. The plat shall be drawn or printed on a 24-inch by 36-inch Mylar, or other approved material.

b. Margins. All sheets must be drawn with a minimum of three inches on the left side and one-half-inch margin on the remaining three sides; unless otherwise mandated by the county clerk of court.

c. Text size. To ensure legibility, all lettering upon the plat shall comply with the following minimum text size requirements:

Minimum 0.10 inch text height ( $0.10 \times \text{scale of the plat}$ ).

Example:  $0.10 \times 50$  (scale) = minimum text height of 5.0

Excluding the following plat features:

1. Vicinity map.
2. Index map.

d. Line size and type. The plat boundary line shall be a solid continuous line type with a heavy pen weight to distinguish said boundary line from all other lines.

e. North arrow. The north arrow must be depicted on each sheet of the plat.

f. Scale. The scale used to draw the plat cannot be smaller than one inch equals 100 feet. A scale of one inch equals 80 feet or 90 feet is not permitted. The scale shall be stated and graphically shown on each sheet.

g. Vicinity map. The first sheet of the plat shall contain a vicinity map showing the location of the subdivision relative to major roadways and adjoining properties.

h. Index map. If more than one sheet is required for the map, the plat shall contain an index map on sheet one showing the entire subdivision and indexing the area shown on each succeeding sheet. Each sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision.

When more than one sheet must be used to accurately portray the lands subdivided, each sheet shall show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines between map segments.

(2) Plat description and plat notes. The plat description shall be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

- a. The boundary dimensions, bearings and legal calls contained in the legal description shall be labeled along the exterior plat boundary line.
- b. On a plat with multiple sheets, the overall plat boundary shall be illustrated on one sheet and shall relate to the plat legal description. The legal description shall include the total acreage of the platted land.
- c. The plat description shall match, exactly, the legal description contained in the title opinion and/or title certification.
- d. Each plat note shall be separated by a single or double space.
- e. Plat notes shall be organized by topic (i.e. easements, public dedication, private reservation, and tract notes, etc.).
- f. Mandatory plat notes.
  1. All lot drainage is private and is to be maintained by the individual lot owner, or the declared maintenance entity (i.e. homeowner association).
  2. Plats which contain private rights-of-way, private stormwater tracts and private drainage easements shall have the following note: "An ingress and egress easement is hereby dedicated to Brevard County over and across all private drainage easements, private stormwater tracts and private roadways for law enforcement, emergency access and emergency maintenance."
  3. The following wording is required on the plat and in the Homeowners' Association Declarations and Covenants: "Each lot owner purchasing a lot shown on this plat consents to the imposition of a Municipal Service Benefit Unit by Brevard County or other governmental entity for maintenance of common areas in the event of the failure of the Homeowners' Association to maintain properly the common areas in conformance with the applicable regulatory permits or other applicable regulations. An easement to the common area must be granted to Brevard County prior to establishment of an MSBU."
  4. All plats must provide the following note: "All lot drainage is private and is the responsibility of the individual lot owner and/or the Homeowners' Association to maintain."

Notwithstanding other provisions herein, the vote of 50 percent plus one of the lot owners shall constitute a dedication of the common area to the county. The adoption of an MSBU ordinance to provide maintenance to the common area shall be deemed acceptance of the dedication to the county.

(3) Name of the subdivision.

- a. The plat shall have a name acceptable to the county. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision.

b. When the plat is an addition to a recorded subdivision, it shall carry the same name as the existing subdivision followed by a suitable phase designation or similar modifier, when applicable.

(4) Certification of the surveyor. In addition to F.S. § 177.061, the language in the certification box shall also include the following: "I completed the Boundary Surveyor of the lands shown in the foregoing plat. This plat was prepared under my direction and supervision. This plat complies with all the survey requirements of Chapter 177, Part 1, Florida Statutes and Brevard County Code Section 62-2841(C) (D)." For the purposes of this section, the certification shall also contain the signature, registration number, and name of firm (if applicable), address, and seal of the surveyor certifying the plat.

(5) Dedication.

a. All elements of the infrastructure created by the plat, (i.e. storm water management, lakes, landscaping, conservation easements, recreational areas, streets, common areas, public utility easements, private drainage easements, etc.), must be dedicated to an appropriate entity with the power and authority to maintain the improvements.

b. The dedication must identify the specific purpose of each easement created by the plat and the entity with the right to use the easement.

(6) Survey data. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, R/W, tract, easement and all other areas shown on the plat.

a. Easements.

1. All easements dedicated by the plat shall be graphically illustrated on the plat and/or described in the plat notes.

2. All existing easements, and/or easements contained in the title opinion/certification shall be labeled with a reference to the official recording document number and page, the type of easement and the grantee. The existing easement(s) shall be graphically illustrated on the plat or if the easement description cannot be depicted, then it shall be stated in the plat notes.

3. All easements shall be labeled private or public, type of easement and the width, (when possible.).

4. For plats which contain a public easement located within private streets or other rights-of-way, the following note must be placed on the plat: "In the event that Brevard County disturbs the surface of a private street due to maintenance, repair or replacement of a public improvement located therein, then the county shall be responsible for restoring the street surface only to the extent which would be required if the street were a public street in accordance with county specifications."

5. For plats which contain private streets, an easement must be created over all private streets for law enforcement.

b. Tracts.

1. Private roads shall be placed in a tract.

2. The plat shall contain a tract summary table listing the tract designation, purpose, ownership and maintenance responsibility for all tracts depicted on the plat. When possible, the tract summary table shall be placed on sheet 1 of the plat.
- c. Bearings. The bearing basis shall be noted on the plat (grid north, true north, assumed north, etc.), and referenced to a well-established and monumented line.
- d. Boundary/lot/tract closures. The plat shall mathematically close, and closure sheets shall be provided for the overall plat boundary lots and tracts. Closure sheets shall include the lot/tract designation, acreage and/or square footage and the mathematical error of closure.
- e. Adjoining properties.
  1. Platted adjoining properties shall be identified by a subdivision name, plat book and page, together with the graphic depiction and labeling of lots, tracts, easements and rights-of-ways adjoining the plat boundary.
  2. If the adjoining land is unplatted, the plat shall so state and provide the instrument record number, (deed book or official record book and page numbers).
  3. Gaps/hiatus. Deed/plat gaps occurring along the perimeter of the plat shall be resolved prior to the final plat submittal. If this cannot be achieved due to circumstances beyond the control of the owner, then the gap or hiatus shall be graphically shown and labeled.
  4. Boundary overlaps are not acceptable and shall be resolved prior to the preliminary plat approval.
  5. Encroachments of permanent improvements are not acceptable and shall be resolved prior to preliminary plat approval.
- f. Line and curve tables. Line and curve tables shall be used only when it is not possible to show the required survey data on the plat.

When it is not possible to show line or curve data information on the plat, a tabular form may be used subject to the following conditions or exceptions:

1. The plat boundary shall not be tabulated.
  2. Where curve data is tabulated along the centerline of the right-of-way, a minimum of the curve designation number shall be shown.
  3. Curve and line tables reflecting the tabulated data will appear on the map sheet on which the curves appear.
- g. Permanent reference monuments (PRMs).
    1. Permanent reference monuments (PRMs) shall be graphically shown and fully described on the plat.
    2. Prior to final approval of the plat for recordation, the county surveyor or his/her

designee, shall physically inspect the PRMs to verify placement. The inspection must be initiated by the surveyor of record and coordinated with the county survey office.

3. The surveyor of record or his/her designee shall be on site at the scheduled time of inspection. The PRM check will not be performed if the monumentation is not flagged or well identified.

4. Where plat boundary corners are found to coincide with previously set PRMs, the description and stamping of the existing PRMs shall be labeled on the plat.

5. Witness corners/offset corners. PRMs set on an offset/witness line shall be shown on the plat and shall be stamped "offset" or "witness" corner. Said witness corners shall be tied to the plat boundary.

h. Permanent control points (PCPs).

1. Permanent control points (PCPs) shall be graphically shown and fully described on the plat. The PCPs shall be in place prior to final subdivision improvement inspection by the county. The county surveyor or his/her designee shall make a field inspection to verify placement of PCPs. The site inspection is in accordance with the standard set forth in subsection (6)g. PRMs.

2. When it is necessary to set offset PCPs, the surveyor shall file an affidavit if the offset PCP is not noted on the plat.

3. When a surveyor, other than the platting surveyor, sets permanent control points as provided in this rule, the surveyor shall file an affidavit describing the points.

i. Lot/tract monumentation. Lot and tract corner monumentation shall be set in accordance with the requirements in F.S. ch. 177, part 1. The lot and tract corners shall be in place prior to final subdivision improvement inspection by the county. The county surveyor or his/her designee shall make a field inspection to verify placement of the lot/tract corners. The inspection shall be in accordance with the standard set forth in subsection (6)g. PRMs.

j. Section lines/government lot lines/grant lines. All section lines, quarter section lines, government lot lines and grant lines occurring within the subdivision shall be indicated by lines drawn upon the plat, with appropriate words and figures.

When the plat description is based on or tied to the public land survey system (PLSS), the plat shall be accurately tied to such PLSS corner(s); the PLSS corner(s) shall be described on the plat and shall be tied to the plat boundary by bearings, distances and state plane coordinates, except if the subdivision is a replat or a phase of a previously recorded subdivision, in such case, a tie to a permanent reference monument (PRM) from the parent plat is sufficient.

k. State plane coordinates.

1. State plane coordinates shall be shown on a minimum of two successive permanent reference monuments and any section corners shown as described in subsection (6)j. The coordinates shall be based on the North American Datum 1983, latest adjustment, U.S. Survey feet.

2. The state plane coordinates shall be derived from redundant field measurements that meet and/or exceed third order, class I standards as set forth by the Federal Geodetic Control Committee (FGCC).

3. A table shall be shown on sheet one containing the geodetic control station(s) name or designation, NGS PID number, state plane and geographical coordinates, combined scale factor, convergence angle. Also included shall be the horizontal datum and the adjustment date.

4. Distances shall be shown and noted as ground distances.

5. Upon final plat approval by the county and/or recordation of the plat, the electronic data file shall be submitted. The data that shall be included on the digital submittal will be described on the final plat check sheet (see subsection (c)(5)).

I. Benchmarks. Plats shall have a minimum of two benchmarks established on site in an accessible location.

- Plats that contain 20 acres or less require a minimum of two benchmarks.

- Plats that contain more than 20 acres and less than 40 acres require a minimum of three benchmarks.

- Plats that contain over 40 acres require a minimum of three benchmarks or one benchmark per one-quarter-mile of roadway, whichever is greater.

1. The benchmarks shall be a one and one-half-inch stamped brass disk and shall be provided to the surveyor of record by the county survey section.

2. The benchmarks shall be tied to NAVD 88 and shall be established in accordance with the standards and procedures outlined in the county vertical control manual which can be found on the county website.

3. Field notes that comply with the county vertical control manual shall be submitted with final plat submittal if a performance bond is not in place. If there is a performance bond, the field notes shall be submitted 30 days prior to the final inspection of the subdivision improvements.

4. The plat notes shall contain the following standard note: "Benchmark(s) PID # are located within the boundaries and/or vicinity of the plat. Please call the county surveying office or visit the website to obtain the vertical data.

5. Regarding multiphased subdivisions only, when the surveyor of record can show the above requirements of benchmarks to be excessive, the county shall waive the minimum benchmark requirement. This rule considers benchmarks set in previous phases of the development and is not to be used to circumvent the established minimum requirement of benchmarks.

(e) *Dedication of public improvements.* All public improvements or property designated for public purpose on any approved final plat, including, but not limited to, all streets, alleys, easements, rights-of-way and public areas, shall be expressly dedicated on the face of the final plat by the owner as indicated on the certificate of ownership. In addition, such final plat shall contain a statement of

dedication to the county, other appropriate government units or public utilities for all water lines, gravity sewer line, pressure line, cable television, pumping stations and appurtenances located within the tract as provided.

(f) *Dedication of private improvements.* All private improvements or property designated for private purpose on any approved final plat, including, but not limited to, all streets, alleys, easements, rights-of-way and private areas, shall be expressly dedicated on the face of the final plat by the owner as indicated on the certificate of ownership. In addition, such final plat shall contain a statement of dedication to appropriate government units or public utilities for all water lines, gravity sewer lines, pressure lines, cable television, pumping stations and appurtenances located with the tract as provided.

(g) *Acceptance of public improvements.* Approval of such final plat shall be deemed accepted by the county upon the dedication of public improvements, water lines, gravity sewer lines, pressure lines, pumping stations, appurtenances, streets, alleys, easements, rights-of-way, recreational areas, ponding areas, water recharge areas, canals, drainage facilities and other public areas dedicated to the county. The board's acceptance of dedications for public purposes shall be affixed to the face of the plat.

(h) *Acceptance of private improvements.* Approval of such final plat shall be deemed accepted by the county upon the dedication of private improvements, with the exception of county water and sewer facilities which are publicly dedicated, appurtenances, streets, alleys, easements, rights-of-way, recreational areas, ponding areas, water recharge areas, canals, drainage facilities and other private areas. The board's acceptance of dedications for public and private purposes shall be affixed to the face of the plat.

(i) *Final plat approval.* Upon final plat review and approval by the reviewing agencies, the applicant may submit the Mylar, signed by the owner and surveyor, and associated documents and fees necessary for recording. The board shall either approve, disapprove or approve subject to specified conditions. Upon compliance with the required certifications and security requirements, and with the other requirements and provisions of this article and other applicable policies, ordinances, articles, laws and regulations, such final plat shall be entitled to be recorded by the clerk of the circuit court of the county under the applicable provisions of F.S. ch. 177.

(j) *Homeowners' association declarations, covenants and restrictions, incorporation and by-laws.* The declarations, covenants and restrictions, incorporation and by-laws must be recorded prior to or with the final plat.

(k) *Recording in sequential order.* Plats will be recorded by staff in the public records of the county in sequential order. Example: Phase 1 followed by phase 2 followed by phase 3, etc.

(l) *Time limit.* The final plat shall be recorded prior to the 48 months expiration date of the final engineering and preliminary plat approval. The final plat for a minor subdivision which does not require final engineering and preliminary plat approval shall be recorded within 24 months from the date of application submittal. If the final plat is not recorded within the allowed time limit, it shall expire, the approval shall be null and void, and the applicant must reapply under the provisions of this article.

(Ord. No. 95-30, § 1, 7-11-95; Ord. No. 2004-13, § 8, 4-13-04; Ord. No. 08-09, § 2, 4-1-08; Ord. No. 10-20, 10-12-10)