

Project No.: _____

Project Name: _____



400 ALEXANDRIA BOULEVARD • OVIEDO, FLORIDA 32765

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NON-STATUTORY SUBDIVISION APPLICATION

Anyone desiring to subdivide their property into three (3) or fewer lots may make application for a Non-Statutory Subdivision. In order for an application for a non-statutory subdivision to be approved by the Land Use Administrator, the criteria and review procedures outlined in Land Development Code Section 3.5(C) must be met. A copy of LDC Section 3.5(C) and the administrative rules related to Non-Statutory Subdivision Applications are provided herewith for your review.

PROJECT ADDRESS: _____

PARCEL ID NO.: _____

GENERAL LOCATION: _____

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

APPLICANT PHONE: _____ FAX: _____ E-MAIL: _____

OWNER NAME: _____

OWNER ADDRESS: _____

OWNER PHONE: _____ FAX: _____ E-MAIL: _____

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THE APPLICATION:

- APPLICATION FEES PAID IN FULL – \$1,760.00 plus \$10.00 per acre (Resolution No. 1794-08)
- SEVEN (7) COPIES OF THE SIGNED AND SEALED DEVELOPMENT PLAN (see “General Information” below)
- POWER OF ATTORNEY (if application not signed by owner of record)

GENERAL INFORMATION:

- 1) **Development Plan.** The Development Plan shall be drawn to a reasonable scale and shall contain the following information:
 - a) Name and address of the applicant and/or property owner.
 - b) Legal Address of the property.
 - c) Parcel ID Number
 - d) Current zoning and land use designation.
 - e) Scale of the drawing.
 - f) North Arrow.
 - g) Location map showing the relationship between the proposed property for development and surrounding public roads and public facilities.
 - h) Name, location and right-of-way width of all existing streets which abut the proposed subdivision, and location of existing driveways and median openings in the vicinity.
 - i) Location and type of existing easements on the property.
 - j) Total acreage to be divided.
 - k) Lot layout showing location and dimensions of the parent lot and all proposed lots as follows: Separate survey sheets for the parent tract, and each lot to be created from the parent tract including the "new" parent lot that results from the subdivision. Each separate survey sheet for each lot resulting from the subdivision (parent tract, lot one, lot two, etc) shall contain the legal description of the particular lot. A new legal description shall be provided for the "new" parent tract. Each survey sheet shall be recordable at 8 1/2 by 11 inch size.
 - l) Legal description and dimensions of the parent lot and all proposed lots.
 - m) Adequate soil type and drainage information so that determination may be made of suitability of lots for building construction and septic tank use.
 - n) Topography (as delineated by the United States Geological Survey Maps will be adequate).
 - o) Indicated flood elevation for the 100-year flood as established by the United States Geological Survey Map series entitled, "Map of Flood Prone Areas," or the Department of Housing and Urban Development "Flood and Floodway Boundary Map."
- 2) **Additional Data.** The City of Oviedo may require additional information and data to ensure conformity with the requirements of other applicable laws or ordinances.

The application must adhere to the City of Oviedo Land Development Code and other applicable regulations. The application will not be accepted without a complete package. If the applicant is someone other than the property owner, a Power of Attorney signed by the property owner, which authorizes the applicant to apply for this specific purpose at this specific location, must be attached to the application.

I hereby certify to the best of my knowledge and belief that all information submitted with this application is true and accurate.

Owner of record for the property described herein.

Authorized Agent (Power of Attorney attached)

Signature

Date

Name and Title (printed or typed)

OFFICE USE

DATE OF PRE-APPLICATION CONFERENCE: _____

DATE OF APPLICATION: _____

APPLICATION _____ SUFFICIENT _____ INSUFFICIENT. DATE NOTIFICATION OF SUFFICIENCY/INSUFFICIENCY MAILED TO APPLICANT: _____

APPLICATION _____ COMPLIANT _____ NON-COMPLIANT

DATE COMMENTS SENT TO APPLICANT: _____

DATE APPLICATION DISTRIBUTED TO DRC: _____

NON-STATUTORY SUBDIVISION AFFIDAVIT ISSUED: _____

CERTIFIED COPY OF RECORDED AFFIDAVIT RECEIVED: _____

NOTES: _____

Land Development Code Section 3.5(C)

C) Non-Statutory Subdivision

1) **Criteria:** Anyone desiring to subdivide their property into three (3) lots or less may make application for a Non-statutory Subdivision. In order for the Land Use Administrator to approve an application for non-statutory subdivision, the following criteria must be met.

- a) The subdivision of the property will not create more than three (3) lots.
- b) Each lot must conform to the minimum lot size, width, and setbacks of the applicable zoning district; and other minimum lot requirements of this LDC.
- c) Each lot must have access to a public right-of-way. If a joint access driveway is deemed necessary, the driveway shall conform to the minimum requirements of the *Engineering Standards Manual* and Florida Fire Prevention Code, as applicable.
- d) If septic tanks are to be utilized, the Applicant shall demonstrate the ability to obtain a septic tank permit from the Seminole County Health Department, for each lot.

2) Review Procedures

a) **Pre-Application:** It shall be the responsibility of the Applicant to request and obtain all application forms and documents that will be required for the type of application being submitted. Prior to submitting an application the Applicant may schedule a pre-application conference.

b) **Application Submittal:** The Applicant shall submit a sufficient application including the application form, required plans, supporting information, power of attorney (to allow parties to act on behalf of the Applicant and/or property owner), and all applicable fees to the Land Use Administrator for review. The application shall also include a description of and justification for any requested deviation to a LDC minimum requirement per Section 2.6.

c) Sufficiency Review

- i) Upon receipt of an application, the Land Use Administrator or designee shall conduct a sufficiency review to determine if the application contains all required forms, plans, supporting information, and fees. Following the review, the Land Use Administrator or designee will notify the Applicant that the application is either sufficient or insufficient for review.
- ii) If the application is found sufficient, the notification shall inform the Applicant of the requirements for compliance review.
- iii) If the application is found insufficient, the notification will list the information that must be submitted for the application to be found sufficient. Prior to submittal of the required information, the Applicant may request a meeting with the Land Use Administrator to review the notice of insufficiency and the information that must be submitted to constitute a sufficient application. Upon submittal of the required information, the Applicant shall pay an insufficient review fee.

d) Compliance Review

- i) A sufficient application will undergo a compliance review to determine if the application:
 - 1. Is consistent with the Comprehensive Plan; and

2. Complies with applicable requirements of this Land Development Code, *Engineering Standards Manual*, and Florida Fire Prevention Code.
- ii) If the Land Use Administrator determines that the application fails to comply with one or more of the above requirements, the application shall be found non-compliant. The Land Use Administrator shall refer the application and the non-compliant findings to the DRC for review. If the DRC determines that the general intent of this LDC, the *Engineering Standards Manual*, and Fire Prevention Code has been met, the DRC may approve the application. If the DRC concurs with the non-compliance finding(s) of Land Use Administrator, the Land Use Administrator shall issue a notice of non-compliance to the Applicant. Upon the issuance of the notice of non-compliance, the Applicant shall have sixty (60) days in which to submit an amended application addressing the non-compliance finding(s). Upon submittal of the amended application, the Applicant shall pay a non-compliance review fee. Submittal of an amended application after sixty (60) days of the issuance of a notice of non-compliance shall constitute a new application. The Applicant may also appeal the non-compliance finding(s) as provided for in Article II.
 - iii) The Applicant may amend the application prior to Land Use Administrator's or DRC's consideration of the application. The Applicant may also agree to amend the application during the Land Use Administrator's or DRC's consideration of the application. Said amendments must be made prior to the recordation of the non-statutory subdivision affidavit.
 - iv) The Land Use Administrator or DRC may attach to the non-statutory subdivision affidavit any reasonable conditions or requirements in addition to those specified above. Such additional conditions or requirements shall be entered on the non-statutory subdivision affidavit and are enforceable in the same manner and to the same extent as the requirements specified above.
 - e) **Issuance of Non-Statutory Subdivision Affidavit:** For purposes of this section, a non-statutory subdivision affidavit is issued when the Land Use Administrator delivers a copy of the fully executed affidavit to the Applicant. When an application is found to be compliant, a non-statutory subdivision affidavit shall be issued by the Land Use Administrator to the Applicant. The affidavit shall be signed by the Land Use Administrator. The Applicant shall record the affidavit with Seminole County within fourteen (14) days of signature by the Land Use Administrator and pay the costs to record the site development order. The Applicant shall provide a certified copy of the recorded affidavit to the Land Use Administrator upon recording.
 - f) **Progress Conferences:** At any time during the review process, the Applicant may request a Progress Conference with the Land Use Administrator. Progress Conferences are encouraged and may assist in expediting the approval of the site development order application.
 - g) **Abated Application:** An application shall be abated when no activity occurs for six (6) consecutive months. The Land Use Administrator shall issue a Notice of Abated Application to the Applicant. Any submittal after the issuance of a Notice of Abated Application shall require the payment of an Abated Application fee and must comply with any amendments to this LDC, the *Engineering Standards Manual*, or Fire Prevention Code adopted after the last review of the application.
 - h) **Abandoned Application:** An application shall be abandoned when no activity occurs for twelve (12) consecutive months. The Land Use Administrator shall issue a Notice of

Abandoned Application to the Applicant. Any submittal after the issuance of a Notice of Abandoned Application shall constitute a new application.

- 3) **Effect of Affidavit on Successors and Assigns:** Non-Statutory Subdivision Affidavits are transferable. However, so long as the land or any portion thereof covered under the affidavit continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the site development order) may make use of the land except in accordance with the conditions and requirements of the affidavit. The provisions of the affidavit run with and burden the real property to which it relates until release or amended in accordance with formal action of the City.
- 4) **Amendment to an Approved Non-Statutory Subdivision:** An application to amend an approved non-statutory subdivision shall be processed and reviewed in the same manner as the application for the approved non-statutory subdivision.