

ARTICLE II. SUBDIVISION REGULATIONS*

*Editor's note: Section 26 of Ord. No. 94-2, adopted Apr. 7, 1994, changed the title of this article from "Subdivision Plat Approval Procedures" to "Subdivision Regulations."

Sec. 201. Purpose.

The purpose of this article is to establish procedures for the subdivision of land in the unincorporated areas of Volusia County.

201.01. Prohibitions on Transfer of Lots and Issuance of Development or Building Permits for Lots Not in Compliance with this Ordinance. It shall be a violation of this ordinance for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of, or other use of a plat of a subdivision of such land without having the plat approved as required by this ordinance. In addition, no development permit or building permit shall be issued on any lot unless that lot is in compliance with this ordinance.

(Ord. No. 94-2, § 27, 4-7-94)

Sec. 202. Exemption or vested rights.

202.01. Exempt Activities. The following activities are exempt from the provisions of this article provided said activities are consistent with the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended, and article XIV of this ordinance.

(1) Subdivision of an existing lot as defined in this ordinance into two (2) or more lots where all resulting lots are consistent with the comprehensive plan and contain twenty-five (25) acres or more in area if classified as Resource Corridor pursuant to the zoning ordinance [appendix B, Code of Ordinances]; twenty (20) acres or more in area if classified as Forestry Resource; or, ten (10) acres or more in area if otherwise classified; and, where no new streets or access easements are planned to be dedicated and accepted by the public. Deeds and other conveyances shall include in bold capital letter ten-point type the following statement: **"NO GOVERNMENTAL AGENCY, INCLUDING THE COUNTY OF VOLUSIA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."**

(2) Conveyance of lands to another without division.

(3) Any division by inheritance (whether testate or intestate), or by partition or other order of court.

(4) Acquisition of property for public purposes.

(5) The division of air space into units within a building wherein said building is held in common, undivided ownership.

(6) Subdivision of an existing lot as defined in this ordinance into not more than four (4) lots where all resulting lots are consistent with the comprehensive plan only if all the following conditions are met:

(a) The original parcel was created from a division allowed by the county regulations in effect at the time of its creation.

(b) The property to be divided is zoned for agricultural or single-family uses.

(c) All proposed lots shall meet the minimum lot width and area requirements of the zoning ordinance [appendix B, Code of Ordinances] but shall not be less than two and one-half (2 1/2) acres in area; and, shall contain at least ten thousand (10,000) square feet of contiguous buildable area above the 100-year flood-prone level of the existing lot.

(d) No new streets or access easements shall be dedicated to or accepted by the public and no new streets or access easements shall be located within any 100-year flood-prone area.

(e) Where any of the proposed lots do not abut a public street, every agreement for sale and conveyance of said lots shall state in bold capital letters in ten-point type the following: "NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENTS OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."; or

(f) Where any of the proposed lot(s) abut a public street, which is identified on the thoroughfare map and the capital improvement program of the comprehensive plan, and said street does not meet the right-of-way requirements of section 402.05 of this ordinance, additional right-of-way shall be dedicated or conveyed by easement to the county in return for county road impact fee credits as provided in section 70-79, of the Code of Ordinances of the County of Volusia.

(g) The division does not represent a multiple division of contiguous lands by the same owner.

(7) The following types of combinations of lots:

a. Combinations of all or portions of previously exempted platted or unrecorded lots where no new lots contain less area or width than the original lots and where the number of new lots created does not exceed the number of lots existing prior to the combination.

b. Combinations of previously exempted whole platted lots or previously exempted whole unrecorded lots with non-exempted whole platted lots for the purpose of creating a unified building site to meet zoning requirements provided all resulting combined lots abut for a distance of at least thirty-five (35) feet at least one (1) publicly maintained street or street that has been opened legally as of October 29, 1976, and which is capable of being traversed by an ordinary passenger vehicle. The separated portions of lots that have been severed by a publicly dedicated street may be considered whole lots for the combining purposes of this exemption.

(8) Divisions of land for purposes of conveyances, where such divisions were lawful under regulations in effect at the time such divisions were made, and where vested rights have been acquired by the subdivider (developer) in reliance upon previous regulations where the following criteria have been met:

a. A platted subdivision or unrecorded map or survey illustrating the division of the lands, which plat, unrecorded map or survey was in existence prior to October 29, 1976; and

1. Substantial physical on site development prior to October 29, 1976; or

2. Streets legally opened as of October 29, 1976, which are capable of being traversed by an ordinary passenger vehicle, and at least twenty-five (25) percent of the lots have been sold by bona fide contracts to different owners in parcels of not more than four (4) lots each.

3. Lots or portions of lots which abut a paved thoroughfare road for a minimum distance equal to the lot width requirement of the applicable zoning classification; and

a. Applicant demonstrates that all associated improvements including, but not limited to, principal structures, accessory structures, access to structures, and onsite sewage disposable systems can be developed without impact to wetlands or wetland buffers.

b. Applicant demonstrates that the above-referenced improvements can be sited in an area that is not depicted as flood prone on the FEMA Maps, or as determined not flood prone by a licensed professional engineer registered in the State of Florida.

c. If within an urban land use category:

(1) Lots shall meet the minimum dimensional requirements of the applicable zoning classification.

(2) Service connection to central sewer and central water shall be available to each lot.

d. If within a non-urban land use category:

(1) Lots shall meet the minimum dimensional requirements of the applicable zoning classification or qualify for a nonconforming lot letter but in no case shall contain less than one acre.

(2) Applicant demonstrates sufficient buildable area to construct a principal structure meeting the minimum floor area of the applicable zoning classification while meeting existing building setbacks.

Lots or portions of lots which abut a paved thoroughfare road may be combined with adjacent whole lots to achieve conformance with the above criteria.

4. Portions of existing subdivisions meeting the above criteria may be exempted.

(9) Adjustment of the lot lines of only previously exempted platted or unrecorded lots upon a showing that:

(a) The adjustment does not reduce any lot to a size less than that permitted by the zoning of the lot; and

(b) The adjustment does not reduce any lot to a size less than the average size of comparable building sites within a radius of five hundred (500) feet from the boundary line of the lot for which exemption is sought; and

(c) The adjustment does not increase the number of lots.

(10) Any approved "Division Having No Substantial Impact," any "Minor Subdivision," or any "Summary Review of Divisions of Land" into ten lots or less in accordance with the previous Volusia County Subdivision Regulations, Ordinance No. 72-2, as amended, is hereby exempt from provisions of this article provided that any application for above-described divisions was received by the office of the CDE on or before January 19, 1988.

(11) Divisions created by purchase contracts or conveyances which occurred prior to January 19, 1988, which would have met the "Legal Exemption and Vested Rights" or

"Divisions Having No Substantial Impact" or the "Summary Review Process" of Volusia County Subdivision Regulations, Ordinance No. 72-2, as amended.

(12) The creation of one (1) lot of one (1) acre or greater in area in a commercial zone from a parent parcel ten (10) acres or greater in area, where:

(a) The lot to be created has received final site plan approval; and

(b) The parent parcel has not been the subject of any prior divisions under this subsection; and

(c) A sketch plan meeting the requirements of section 203 of this code has been submitted and approved by the DRC. The sketch plan shall include both the proposed lot and the parent parcel, in sufficient detail to demonstrate the feasibility of the project, and necessary easements for future access, utility services, right-of-way reservation, and provision for drainage for any future division or site plan review of the parent parcel. All such easements shall be recorded as a condition of approval of final siteplan under subparagraph (a).

202.02. Determination of Exemption or Vested Rights.

(1) Exemptions or vested rights under subsection 202.01(1) through (5) may be approved by the land development manager (LDM) upon submittal of appropriate information. In addition, exemptions or vested rights under subsection 202.01(7)(a) for previously approved or exempted platted or unrecorded lots may be approved by the LDM, in the event there are no easements to be vacated. Except as otherwise provided, exemptions or vested rights under 202.01(6) through 202.01(12) shall be administratively determined by the CDE by filing an application with the LDM and paying the required fee.

(2) The LDM shall immediately transmit the application to the development engineering division (DED). Within fifteen (15) working days from acceptance of the application, the CDE shall determine if the exemption or vested rights shall be approved or denied, stating any reasons for denial.

(3) The determination of the CDE shall be transmitted to the LDM, who shall notify the applicant within five (5) working days.

(4) The LDM shall keep a record of all applications and determinations.

(5) Determinations of the CDE may be appealed to the DRC by the applicant. The DRC may uphold, modify or reverse the determination of the CDE.

202.03. Appeals. [Repealed.]

(Ord. No. 88-40, § V, 12-15-88; Ord. No. 90-33, §§ XXI--XXIII, 9-27-90; Ord. No. 94-2, §§ 28--30, 4-7-94; Ord. No. 95-42, § II, 11-2-95; Ord. No. 96-32, §§ XIII, XIV, 12-19-96; Ord. No. 00-02, § I, 1-20-00)

Sec. 203. Sketch plan review.

The intent of this review is to give the developer an opportunity to introduce a proposed subdivision to the development review committee (DRC) for the purpose of familiarizing the developer with a broad range of DRC considerations prior to the preparation of detailed plan documents. These considerations include, but are not limited to, such items as the comprehensive plan, county development policies and regulations, other development in the vicinity of the proposed subdivision, soil types, area drainage patterns, floodplain and flood-prone areas, and the capability of the land to support the proposed development. One (1) specific purpose of this procedure is to provide the

applicant with staff comments concerning flood-prone areas in the proposed subdivision and to provide staff recommendations concerning those flood-prone areas and the level of development considered to be acceptable by the DRC.

203.01. Procedures.

(1) An application for sketch plan review shall be filed and processed pursuant to 104.01 through 104.05. Exhibits shall be submitted in sufficient copies, as determined by the LDM, to meet the requirements of the DRC and any additional agency deemed to be a concerned review agency.

(2) A developer may elect to omit the sketch plan review and proceed directly to the overall development plan (ODP) review at section 204. If the sketch plan review is omitted, the DRC shall consider the extent to which the flood prone area shall be developed in accordance with section 203 at the overall development plan review stage.

203.02. Required Submittals. Sketch plan shall be drawn at a scale no smaller than one (1) inch equals two hundred (200) feet and shall illustrate clearly:

(1) Vicinity map at a scale no smaller than one (1) inch equals two thousand (2,000) feet with sufficient information to locate the property in the field.

(2) Total acreage.

(3) Flood-prone area (if applicable).

(4) Water bodies or courses.

(5) Swamp or wetland areas as defined herein.

(6) Specific soil types and their limitations for planned use. Soil information is to be taken from the most recent soil survey of Volusia County, Florida. The soil types and boundaries shall be delineated on the plan.

(7) Graphically depict on plan, predominant plant communities and identify types by common name and location.

(8) Parcel number according to Volusia County Property Appraiser's Office.

(9) Topography of the site at not more than five-foot vertical contour intervals based on mean sea level data furnished by a professional engineer or surveyor. The topographical survey shall be consistent with current land development.

(10) Tentative layout of street system, lot patterns, drainage systems, approximate subdivision boundaries, and existing zoning.

(11) Areas that may be reserved for parks or recreation sites, conservation easements, or natural open space areas.

(12) Streets adjacent to the tract, including rights-of-way and pavement widths, and driveways on both sides of adjacent streets within three hundred (300) feet of proposed development.

(13) Lots and blocks of adjacent recorded plats, giving plat book and page number along with names of such plats.

(14) Current zoning and existing uses of subject property and of adjacent and surrounding properties.

(15) Proposed location of water and wastewater treatment facilities.

(16) All existing on-site or adjacent easements, including drainage, electricity, gas, water, wastewater, or other pipeline or utility easements.

(17) The legal description of the property proposed for platting.

(18) Any other appropriate information thought necessary by the prospective applicant to make a schematic presentation.

(19) Identify known wildlife corridors for federal and state endangered species, threatened species or species of special concern.

(20) Identify known plants and animals which inhabit the site that are listed as federal and state endangered species, threatened species or species of special concern.

(21) Identify known historic and archaeological sites.

203.03. DRC Review. The DRC shall review the application and informally discuss with the applicant any steps necessary to bring the application into compliance with the requirements of this ordinance. Thereafter, the applicant may submit an ODP application pursuant to section 204.

203.04. Flood-Prone Areas. If the DRC determines that a development lies within a flood-prone area, it shall provide written recommendations to the applicant regarding the level of development that may be acceptable in such areas. DRC recommendations may address preservation of land contour, species preservation, development and maintenance of aesthetic values such as scenic views, and maintenance of freedom of movement of wildlife.

In defining the flood-prone areas, the DRC shall consider topography, flood maps, soil conditions, vegetation, seasonal high-water table, man-made drainage systems and the storage capacity thereof, natural watersheds, watercourses and basins. The applicant shall provide the DRC with the information it deems necessary regarding these items.

203.05. Request for Determination by County Council. If the applicant is aggrieved by the DRC's recommendations regarding development in flood-prone areas, he/she may request an appeal to the county council. Appeals must be filed with the LDD within twenty (20) working days following the transmission of the DRC's recommendations to the applicant and must state with particularity the points of disagreement and the specific basis for such disagreement. All other DRC recommendations are advisory only and not subject to county council review under this appeal.

The appeal to the county council may be based only on evidence reviewed by the DRC. No additional evidence shall be submitted to the county council by either the applicant or the DRC subsequent to the DRC's review. Provided, however, the applicant may submit additional evidence to the DRC within twenty (20) working days following the transmission of the DRC's recommendations to the applicant. Within twenty (20) working days following the receipt of the additional evidence by the DRC, it shall then transmitsits written response to the additional evidence to the applicant. The time to appeal to the county council shall begin to run upon the applicant's receipt of the response from the DRC.

(Ord. No. 94-2, §§ 31--33, 4-7-94; Ord. No. 96-32, § XV, 12-19-96)

Sec. 204. Overall development plan review.

204.01. Procedures. After a sketch plan review has been completed or omitted pursuant to section 203, an ODP application shall be filed, processed and reviewed pursuant to sections 103 and 104 of this ordinance. The application and exhibits shall be consistent with the recommendations developed by the DRC during the sketch plan review, if applicable.

204.02. Required Submittals. The application shall include the following supporting information:

- (1) [Information submitted for sketch plan review.] All items required for sketch plan review under 203.02.
- (2) General information.
 - (a) Name of subdivision; name, address, telephone number of the subdivider, subdivision designer, professional engineer and registered surveyor;
 - (b) Date of survey and schematic plan preparation, north point and graphic scale;
 - (c) Total acreage in tract, acreage in public or other land usage, total number of lots, linear feet in streets;
 - (d) Names and location of adjoining subdivisions and streets;
 - (e) Other supplemental materials or any deed restrictions or protective covenants for the subdivision and any other information considered by either the applicant or the DRC to be pertinent to the review of the ODP.
- (3) Existing site data.
 - (a) City limits lines (if any), property lines, rights-of-way, pavement widths, easements, streets, driveways, railroads, utility transmission lines, storm sewers, ditches and culverts, sanitary sewers, water mains, bridges, bulkhead and bulkhead lines;
 - (b) Wooded, wetland, and 100-year floodplain areas, marshes, watercourses, ponds, and other similar conditions affecting the site;
 - (c) Topography of the site at not more than two-foot vertical contour intervals based on mean sea level data furnished by a professional engineer or surveyor;
 - (d) Soil borings if required.
- (4) Proposed site data.
 - (a) Street rights-of-way and pavement widths;
 - (b) Other rights-of-way or easements;
 - (c) Schematic plans of all underground utilities, including but not limited to sanitary sewers, storm sewers, water lines or electric lines if located underground; schematic details indicating proximity and/or connections to existing systems or proposals for development of new systems;
 - (d) Proposals for dikes or any created water bodies or changed watercourses;
 - (e) Locations of bulkheads and bridges, if any;
 - (f) Typical lot dimensions;
 - (g) Parks, school sites, and other public uses, if any;
 - (h) Designation of areas to be used for purposes other than residential and public, if any;
 - (i) Surface drainage patterns with direction of flow and method of disposal on site and off site;
 - (j) Approximate spot elevations sufficient to indicate proposed grading of the streets and landscapes;
 - (k) Plans and information required pursuant to all other applicable articles of this ordinance;
 - (l) Tentative construction schedule for the proposed development, including, if applicable, a tentative schedule for phasing construction, the date potable water facilities are needed to serve the proposed development and a commitment from the appropriate potable water provider, if other than the County of Volusia, demonstrating that adequate capacity shall be available to service the proposed development at the time of impact as provided in article XIV; provided, however, the level of service standards described in article XIV shall be adhered to by any potable water facility provider;

(m) The date sanitary sewer facilities are needed to service the proposed development and a commitment from the appropriate sanitary sewer system provider, if other than the County of Volusia, that adequate capacity shall be available to service the proposed development at the time of impact as provided in article XIV; provided, however, the level of service standards described in article XIV shall be adhered to by any sanitary sewer provider.

(Ord. No. 90-22, § I, 5-17-90; Ord. No. 90-33, §§ XXIV--XXVI, 9-27-90; Ord. No. 94-2, §§ 34, 35, 4-7-94; Ord. No. 96-32, § XVII, 12-19-96)

Sec. 205. Preliminary plat and construction plan review.

After issuance of an ODP development order, the developer may file an application for a preliminary plat and construction plan (PPL) development order. The PPL shall be filed, processed and approved pursuant to sections 103 and 104 of this ordinance. The application shall be consistent with the approved ODP and the requirements of this ordinance.

205.01. Procedure and Required Submittals. An application for preliminary plat and construction plan review, the proper fee, and sufficient copies of the exhibits, as determined by the LDM, shall be filed with the LDD. Exhibits shall include:

(1) General information.

(a) All plans shall be submitted on 24" × 36" sheet sizes.

1. Construction plans shall be submitted in a format and scale approved by the CDE.

2. A preliminary plat shall be submitted in the same format as required for final plats by F.S. ch. 177, and by the applicable provisions of this ordinance.

(b) A survey of the subject property prepared by a registered surveyor containing the legal description of the subject property and the surveyor's certificate of accuracy.

(2) Proposed site data and construction details.

(a) Street rights-of-way, pavement widths, grades and elevations, street names, plans, profiles, and, when requested by the CDE, cross-sections.

(b) Other rights-of-way or easements, including locations, dimensions and purposes.

(c) Plans for all underground utilities, including but not limited to sanitary sewers; storm sewers; water lines; and electric lines showing connections to existing systems, or proposals for developing new water supply; storm drainage; and sewage disposal systems; storm and sanitary profiles; and, when required by the CDE based on site conditions, cross-sections; and inverts and top elevations of structures.

(d) Contour changes, dikes or any created water bodies or changed watercourses.

(e) Bulkheads and bridges; engineering plans, and cross-sections.

(f) Street center line dimensions, scalar block and lot layouts, lot and block numbers.

(g) Areas to be used for purposes other than residential and public; and with the purposes, location and dimensions of each indicated.

(h) Information on essential services, including electric or gas services, including a commitment from the provider that adequate electric or gas service, where appropriate, will be available prior to issuance of the development order pursuant to chapter 1 of the comprehensive plan.

(i) Environmental impact analysis as required by subsection 105.09, if applicable.

205.02. Developer's Option To Commence Construction. The developer may elect to commence construction of the subdivision after the PPL development order has been

issued and may at the same time apply for a final plat (FPL) development order or may apply for a FPL development order prior to commencement of construction.

205.03. Development Permits Required Prior to Commencement of Construction. No construction shall commence nor shall an application for a FPL development order be accepted unless a PPL development order has been issued. If the developer elects to commence construction prior to or concurrently with final plat approval, he/she shall notify the LDM of that intention. The LDM shall then issue a development permit authorizing the commencement of construction pursuant to the approved construction plans, provided all other permits from federal, state or regional agencies have been issued.

(Ord. No. 90-33, § XXVII, 9-27-90; Ord. No. 94-2, §§ 36--38, 4-7-94; Ord. No. 96-32, §§ XVIII, XIX, 12-19-96)

Sec. 206. Final plat review.

After the PPL development order has been issued pursuant to section 205, the developer may submit an application for a FPL development order. No improvements, including streets, shall be accepted and maintained by the county unless and until the FPL has been approved by the county council, and has been duly recorded by the Clerk of the Circuit Court, County of Volusia, Florida (clerk). The clerk shall record only those FPL's which have been submitted for recording by the LDM.

206.01. Procedures. An application for an FPL development order shall be filed, processed and approved pursuant to section 104 of this ordinance. The submittals shall be consistent with the issued PPL development order and shall include any conditions.

(1) The developer shall submit as the FPL only that portion of the approved PPL which the subdivider proposes to record and develop at the time. Such portion shall conform to all requirements of this ordinance.

(2) The developer shall submit an appropriate number of blue line prints, as determined by the LDM, of the final plat to the LDD.

(3) The FPL shall be prepared by a currently registered land surveyor at a scale of one (1) inch equals one hundred (100) feet, or such other scale approved by the county registered land surveyor. All FPL's shall be prepared on standard sheet sizes as required by F.S. ch. 177, as amended, and shall be twenty-two (22) inches by twenty-eight (28) inches, including a three-inch binding margin on the left side and a one-inch margin on the other three (3) sides. To ensure legibility, all lettering upon the plat shall have a minimum height of ten one-hundredths (0.10) inches.

206.02. Required Submittals.

(1) The following information shall be shown on the submittals:

(a) Name of subdivision, date of survey, north point and graphic scale.

(b) A vicinity map drawn at scale of one (1) inch equals four hundred (400) feet, or other scale deemed appropriate by the CDE.

(c) Names and locations of all adjoining or interior subdivisions, city limit lines, bulkhead lines, property lines, rights-of-way and easements.

(d) Accurate location and legal description of all monuments, markers and control points. The legal description of the property being platted shall appear on sheet 1 of the FPL.

(e) Sufficient survey data to readily determine and reproduce on the ground every straight or curved boundary line, lot line, right-of-way line, easement line, bulkhead line and setback line, including, but not limited to, linear dimensions, bearings or deflection angles, radii, arcs and central angles. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second of a degree.

(f) All proposed rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated.

(g) Areas to be used for purposes other than residential and public, if any, with the purpose, location and dimensions of each indicated.

(h) Lot and block numbers, street names and all right-of-way or easement widths.

(i) Signed certificates shall appear on sheet 1 of all FPL's. Such certificates shall be in accordance with the format and specific language set forth in appendix A of this ordinance. The following signed certificates shall be completed on the FPL prior to submission: dedication, joinder and consent to dedication, all required acknowledgements, certificate of surveyor, certificate of approval by county registered land surveyor (RLS), certificate of approval by county council, and certificate of approval by landdevelopment manager and certificate of clerk.

(j) The FPL shall include such additional information as may be required by F.S. ch. 177, as amended.

(2) The following information shall be provided on sheets separate from the FPL:

(a) Name, address and telephone number of the subdivider, subdivision designer, professional engineer, registered surveyor, abutting property owners, and mortgagees of the property.

(b) A title opinion which meets the requirements of F.S. ch. 177, as amended.

(c) Any deed restrictions or protective covenants, with the appropriate filing fees.

(d) Such engineering plans, cross sections, plan and profile drawings of streets, bulkheads, bridges, sidewalks, water distribution systems, water treatment plants, sewerage collection systems, sewage treatment plants, and storm sewer systems as required by the county.

(e) A copy of the FPL reduced to eight and one-half (8 1/2) inches × eleven (11) inches.

(3) If the developer elects to construct the improvements after the issuance of the FPL, the following information shall be provided in addition to 206.02(1) and (2):

(a) A signed and sealed professional engineer's estimate of the total construction cost or a signed contract which encompasses all proposed improvements.

(b) A performance guarantee in accordance with 501.01(1).

(c) All items required in 206.02(4)(a) through (d) must be provided after subdivision improvements have been completed.

(4) Upon completion of construction of the required improvements, the following information shall be provided in addition to 206.02(1) and (2):

(a) A signed and sealed professional engineer's certification of the constructed improvements and the total construction cost. If fire hydrants were installed, the professional engineer must certify that the water distribution system of the development meets the National Fire Protection Association capacity requirements for fire hydrants.

(b) A maintenance guarantee as provided in section 501.01 in the amount of fifteen (15) percent of the total construction cost acceptable to the Volusia County legal department and the CDE.

(c) One (1) mylar and two (2) sealed bluelines as-built construction plans signed by the professional engineer which encompass all required improvements. If the as-built construction plans were prepared on an appropriate CAD system, the applicant shall provide such computer disks to the LDM.

(d) Adequate test reports signed and sealed by a professional engineer, as required by the CDE, and to assure that all improvements substantially meet Volusia County standards and specifications.

206.03. Recording Requirements.

(1) Recording period. No plat may be recorded except during the effective period of an FPL.

(2) Platted dedications. All streets, alleys, easements, rights-of-way, parks, school sites and public areas shown on an accepted and recorded plat, unless otherwise stated, shall be deemed to have been dedicated or granted, as appropriate, to the public for the uses of the public. The recorded plat shall constitute, unless otherwise stated, an acceptance of said offer to dedicate, grant or reserve. Reservations must be clearly indicated as such, and must include the word "reservations."

(3) Necessary documents. Prior to recording, an applicant shall furnish the county with those documents necessary to evidence and ensure compliance with such requirements, standards, restrictions or conditions of this ordinance as requested by the county. Such documents may include, but are not limited to, bonds or other security, agreements, restrictive covenants, deeds and easements, if evidence of compliance with such requirements, standards, restrictions or conditions is not appropriately contained in the development order or on the final plat to be recorded.

(4) Recordation of plats. Plats shall be recorded in the following manner:

(a) All recording fees, documents and the original plat shall be submitted to the LDM. The LDM shall then transmit the required fees and documents to the clerk of the circuit court (clerk), hereinafter referred to as the clerk. The clerk shall, after recording the plat, make three (3) mylar copies and a number of bluelines as determined by the LDM. Also, if the application was prepared on an appropriate CAD system, the applicant shall provide such computer disks to the LDM.

(b) The original plat and one (1) mylar copy of the plat will be retained by the clerk. One (1) mylar copy of the recorded plat shall be retained by the CDE, and the other mylar copy of the recorded plat will be returned to the applicant.

(c) No plat of lands in Volusia County subject to these regulations shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such plat has been approved by the county council and an FPL development order has been issued.

(d) The LDM shall obtain a statement that all current and previous taxes have been paid in accordance with F.S. § 197.192, as amended.

(Ord. No. 90-33, §§ XXVIII--XXX, 9-27-90; Ord. No. 94-2, §§ 39, 40, 4-7-94; Ord. No. 96-32, §§ XX--XXIV, 12-19-96)