

**ORDINANCE NO. 588**

**AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING CHAPTER 66, ARTICLE III, SECTION 66-172 “PLATTING,” AND AMENDING CHAPTER 66, ARTICLE IV, SECTION 66-203 “EXCEPTIONS TO REQUIREMENT FOR DEVELOPMENT ORDER,” OF THE CODE OF ORDINANCES TO CLARIFY PLAT APPROVAL PROCEDURES; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, a plat is a detailed survey of a parcel of land showing the boundaries, dimensions, and other features of the land, and including individual lots, streets, and easements granted to government entities; and

**WHEREAS**, the process of platting land in Florida is regulated by Chapter 177 of the Florida Statutes; and

**WHEREAS**, historically, plats have finally been approved by the local government’s governing board prior to being recorded; and

**WHEREAS**, the Florida Legislature has passed SB 784, which the Governor has signed into law, thus creating Chapter Law 2025-164, which alters how plats are to be approved by local governments; and

**WHEREAS**, the new version of Florida Statutes § 177.071(1)(a) provides:

A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

and

**WHEREAS**, this new statutory language necessitates revisions to the Town’s Code of Ordinances.

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Town of Belleair, Florida, that:

**Section 1.** Section 66-172 of Article III of Chapter 66 of the Code of Ordinances, Town of Belleair, Florida, is hereby amended to read as follows:

## **Sec. 66-172. – Platting.**

(a) *Generally.* Any person who is the owner of record of land located within the town must apply for approval of the plat or replat of a subdivision. As used in this section, the term "plat or replat" means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable sections of F.S. ch. 177 and any requirements of the town Code. Moreover, the term "subdivision" means the division or resubdivision of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or other division of land; and includes establishment of new streets and alleys, and additions, resubdivisions; and when appropriate to the context, relates to the process of subdividing or to the lands or areas subdivided. Where proposed minor or major development includes the platting of land, the final approval of the development plan shall be made contingent upon approval by the Town Manager ~~town commission~~ of a plat conforming to the development plan.

(b) *Application.* Every plat or replat application shall be submitted to the Town's Administration Department for approval by the Town Manager or his/her designee. Every plat or replat application ~~town for approval~~ must be accompanied by:

(1) A boundary survey. All boundary surveys must be performed and prepared under the responsible direction and supervision of a professional surveyor and mapper preceding the initial submittal of the plat to the town.

a. Original or new plats. All plat applications require a boundary survey.

b. Replats of existing plats or subdivisions.

1. Boundary surveys are only required for replats that affect any boundary of the previously platted property, or

2. When improvements have been made on the lands to be replatted or adjoining lands.

(2) Title certification. A title opinion of an attorney at law licensed in Florida or a certification by an abstractor or title company showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or certificate shall also show all mortgages not satisfied or released of record or otherwise terminated by law.

~~(c) *Notice requirement.* Upon receipt of a complete plat application, the town shall provide written notice to all owners of record of land located within 500 feet of the property which is the subject of the plat application, notifying such owners of the receipt of such plat application and the requested action.~~

~~(c)(d)~~ *Plat application requirements.* Every plat, replat, or subdivision must be prepared by a professional surveyor or mapper. The plat must be signed and sealed by that professional surveyor and/or mapper, who must state on the plat that the plat was prepared under his or her direction and supervision and that the plat complies with all of the survey requirements of F.S. ch. 177. Every plat must also contain the printed name and registration number of the professional surveyor and/or mapper directly below the statement required, along with the printed name, address, and certificate of authorization number of the legal entity, if any. A professional surveyor and/or mapper practicing independently of a legal entity must include his or her address.

~~(d)(e)~~ *Technical review process.* Prior to approval by the Town Manager ~~town commission~~, the application shall be reviewed for conformity to F.S. ch. 177, in the following manner:

(1) The plat, replat, or subdivision shall be reviewed by a professional surveyor or mapper, either employed by or under contract to the Town of Belleair.

(2) The town's costs of the professional surveyor or mapper required for such review shall be borne by the legal entity offering the plat for recordation, as set forth in F.S. ch. 177.

(3) Evidence of the town's review of the application for conformity to Section 177, of the Florida Statutes, shall be placed on the plat in the form of a statement of conformity, containing the reviewing professional surveyor/mapper's name, signature, date of review, license number, and statement that the plat was reviewed by them pursuant to Section 177, of the Florida Statutes, and that it complies with all of the survey requirements set forth therein. In the event that the town's professional surveyor/mapper determines that the plat application does not conform to the statutory requirements, the town shall return the application to the applicant along with a statement detailing those aspects of the application that do not comply with the requirements. The applicant may correct such errors, and return the application to the town within 30 days of the date of review evidenced on the plat application for reconsideration for approval by the town surveyor/mapper. If the town surveyor/mapper finds that the corrected application complies with all of the survey requirements set forth in Section 177, of the Florida Statutes, the surveyor/mapper shall evidence such compliance on the plat application as set forth above. If an applicant whose plat application has been returned for noncompliance, does not submit to the town a corrected plat application as set forth above, the plat application process will be terminated and may only be considered thereafter by submitting a new plat application. In such event that an application is terminated or withdrawn, any reapplication pertaining to the same property shall require payment of all fees.

~~(e)(f)~~ *Approval.* Once the statement of conformity has been issued by the town surveyor/mapper, the Town Manager shall approve, approve with conditions, or deny the plat application ~~must be approved by the town commission in accordance with the following provisions:- The town commission shall consider the following criteria in determining whether to approve the plat application-~~

(1) Within 7 business days after receipt of a plat or replat submittal, the Town Manager shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with Florida Statute § 177.091. The written notice must also provide

information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(2) Unless the applicant requests an extension of time, the Town Manager shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under Sec. 66-172(e)(1) above. If the Town Manager does not approve of the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The Town Manager, an official, an employee, an agent, or a designee of the Town may not request or require the applicant to file a written extension of time.

(3) The Town Manager shall consider the following criteria in determining whether to approve the plat or replat submittal:

a.(1) The proposed plat is part of a proposed minor or major development. Where the proposed minor or major development includes the platting of land, the application for a plat conforming to the development plan shall be approved if the development conforms to the requirements of the Land Development Code of the Town of Belleair, all conditions of the prior development plan approval, and other applicable regulations.

b.(2) The proposed plat is not part of a proposed development. Where the proposed plat is not part of any proposed development that would be subject to the development plan requirements of the Land Development Code of the Town of Belleair, and the comprehensive plan, approval by the Town Manager ~~town commission~~ shall be subject to the following standards:

1.a. Each proposed lot must conform to the requirements of this land development code.

2.b. Each proposed lot must conform to the physical characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, the impact upon existing view corridors, the historical development pattern of the neighborhood, including existing setbacks and distances between structures, and the compatibility of the proposed plats with the character and size of surrounding land uses.

3.e. Each proposed lot shall abut a public or private street, except as otherwise provided in the Code, for the required minimum lot width for the zoning district where the lot(s) is/are located.

4.d. If any proposed lot abuts a street right-of-way that does not conform to the design specifications provided in this land development code, the owner may be required to dedicate the right-of-way width required to meet the minimum design requirements. If the plat application is not approved, the Town Manager ~~town commission~~ shall return the plat to the applicant according to the procedure set forth in subsection (d)(e)(3).

(4) Evidence of the Town Manager's approval of the plat or replat must be placed on the plat or replat before the same can be recorded by the Clerk of the Circuit Court.

~~(f)(g)~~ *Name and replat of subdivision.* Once a plat has been approved, every plat shall be given a name by which it shall be legally known, which name shall be determined according to the requirements set forth in Section 177, of the Florida Statutes.

**Section 2.** Section 66-203 of Article IV of Chapter 66 of the Code of Ordinances, Town of Belleair, Florida, is hereby amended to read as follows:

**Sec. 66-203. – Exceptions to requirement for development order.**

A development permit may be issued for the following development activities in the absence of a development order issued pursuant to this land development code. Unless otherwise specifically provided, the development activity shall conform to this Code and the construction standards prescribed by the town.

(1) Development activity necessary to implement a valid site plan or development plan on which the start of construction took place prior to the adoption of this land development code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.

(2) The construction or alteration of one-family or two-family dwellings on a lot in a valid recorded subdivision approved prior to the adoption of this land development code.

(3) The alteration of an existing building or structure so long as no change is made to its gross floor area, its use or the amount of impervious surface on the site.

(4) The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site, provided the erection of a sign or the removal of protected trees meet the requirements of chapter 74, article IX, and chapter 74, article VI, division 2, respectively.

(5) The resurfacing of a vehicle use area that conforms to all requirements of this land development code.

(6) A plat or replat granted pursuant to section 66-172~~(e)(3)b.(f)(2).~~

(7) Home occupations.

(8) Temporary use permits issued pursuant to section 74-33.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** The Codifier shall codify the substantive amendments to the Belleair Town Code contained in Sections 1 and 2 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** Pursuant to Florida Statutes § 166.041(5), this Ordinance shall take effect immediately upon adoption.

**ADOPTED ON FIRST READING** by the Town Commission of the Town of Belleair, Florida on the 3<sup>rd</sup> day of September, 2025.

**PUBLISHED** on the 3<sup>rd</sup> day of September, 2025

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_, 2025, by the Board of Commissioners of the Town of Belleair, Florida.

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Mike Wilkinson, Mayor

ATTEST:

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Christine Nicole, CPM, MMC, Town Clerk