



CITY COMMISSION AGENDA REQUEST



21

DATE DECEMBER 20, 1993

SUBJECT SUBDIVISION AMENDMENTS:
FINAL PLATS

AMOUNT _____

SOURCE _____

OMB _____

- Bid/Contract/Lease
- Change Order
- Budget Transfer/Suple. Approp.
- Status Report
- Policy/Discussion
- Other (Specify): Ordinance Adoption

REQUEST ACTION ON: 1/26/94

HISTORY

This past summer the City Manager appointed a citizen committee to investigate permit review timeframes and recommend any code or administrative changes to improve the efficiency of the City's land development review process. As part of this review a sub-committee was appointed to review the final platting procedures. Following a series of meetings with staff of the Planning and Growth Management Departments, the sub-committee recommended amendments to the City's Subdivision Regulations as shown in Attachment #1. On December 15, 1993 the City Commission introduced Ordinance No. 93-0-0042 to implement these recommendations and held the first public hearing to consider these amendments on January 12, 1994.

FACTS AND ISSUES

The intent of the proposed changes to the final platting requirements of the Subdivision Regulations is to shorten the time frame following completion of subdivision improvements (water, sewer, stormwater, roadways, etc.) and the ability to make application for individual building permits prior to recording of the final plat. The amendments ensure that all required public facilities will be in place prior to issuance of a building permit and ensure the recording of the final plat by withholding eligibility for certificates of occupancy.

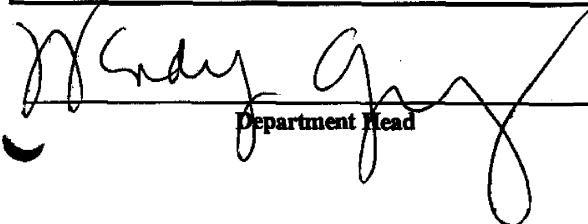
The proposed amendments also establish a mechanism for developers to construct up to three (3) model homes in a subdivision after Planning Commission approval of a preliminary plat but prior to final platting if the developer complies with the policies and procedures included as Attachment #2.

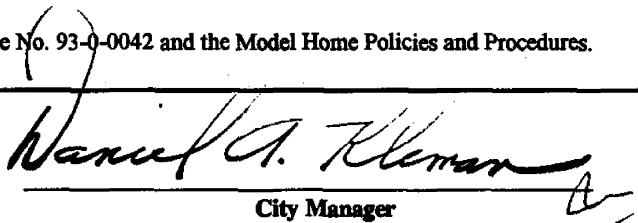
The October 1, 1993 memorandum (Attachment #3) from Ken Davis, Acting Chief of Comprehensive Planning, recommends the proposed amendments be found consistent with the Comprehensive Plan. The Planning Commission reviewed the proposed amendments as presented for introduction on November 10, 1993 and found them consistent with the 2010 Comprehensive Plan.

Additional changes have been made to the final platting administrative process to shorten the timeframe between technical review and City Commission action by eliminating the two week advance submittal requirement for City Commission agenda items and by improving coordination between the Public works Department, the Planning Department, and the City Attorney's Office.

RECOMMENDATION:

Option 1, Hold the second public hearing and adopt Ordinance No. 93-0-0042 and the Model Home Policies and Procedures.


Department Head


City Manager

City Commission Agenda Request

January 26, 1994

Ordinance 93-0-0042

Page 2

OPTIONS

1. Hold the second public hearing and adopt Ordinance No. 93-0-0042 and the Model Home Policies and Procedures.
2. Hold the second public hearing and amend Ordinance No. 93-0-0042 and the Model Home Policies and Procedures based upon alternative City Commission policy direction and adopt Ordinance No. 93-0-0042 as amended and the Model Home Policies and Procedures as amended.

RECOMMENDATION

Option 1, Hold the second public hearing and adopt Ordinance No. 93-0-0042 and the Model Home Policies and Procedures.

ATTACHMENTS

1. Ordinance No. 93-0-0042
2. Proposed Model Home Policies and Procedures
3. Consistency Review and Determination
4. Permit Review Citizen Committee Membership

ORDINANCE No. 93-0-0042

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA AMENDING CHAPTER 21 (SUBDIVISIONS) OF THE CITY OF TALLAHASSEE CODE; PROVIDING FOR THE AMENDMENT OF SECTION 21-3-4, APPROVAL OF PUBLIC SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

SECTION 1: That Section 21-3-4, Approval of Public Services, is hereby amended as follows:

"Section 21-3-4, Approval of Public Services."

1. No street shall be maintained by the City nor any street dedication accepted for ownership until the final subdivision plat has been approved by the Commission and recorded in the public records of Leon County, Florida.

2. Improvements may be constructed and extended by the developer within subdivisions after the preliminary plat has been approved by the Planning Commission consistent with other development regulations. Applications may be filed and issued for building permits within subdivisions after the preliminary plat has been approved by the Planning Commission and after each of the following requirements have been met: (a) the central water and sewer system has been installed and accepted for operation by the City; (b) all necessary environmental management final inspection and operating permits have been issued by the Growth Management Department; (c) the roadway system has been installed and deemed to be substantially complete by the Public Works Department; and (d) the signed and sealed final plat has been submitted to the Planning Department for review. However, ~~no building permits certificate of occupancy shall be issued until the final plat has been accepted by the Commission and recorded in the public records of Leon County, Florida and improvements installed or the performance guarantee, furnished by the developer, is acceptable to the City.~~

3. Notwithstanding the provisions under 2. above, a maximum of three (3) model home permits per subdivision may be approved before the final plat is recorded if the developer and builder enter into a development agreement with the City which specifies the conditions of such agreement.

SECTION 2: All ordinances or parts of ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: If any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of the ordinance.

SECTION 4: This ordinance shall become effective upon adoption.

Introduced in the City Commission on the 15th day of December, A.D., 1993.

Passed by the City Commission on the 26th day of January, A.D., 1994.

City of Tallahassee, Florida

Dorothy Inman-Crews, Mayor

Approved As To Form:

Attest:

Robert B. Inzer, Treasurer-Clerk

Jim English, City Attorney

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MEMORANDUM

RECEIVED

93 NOV 15 AM 11:42

TALLAHASSEE-LEON COUNTY
PLANNING DEPARTMENT

TO: Marty Black, Tallahassee-Leon County Planning Department

FROM: Henry L. Holshouser, Jr. 
Growth Management Director

DATE: November 15, 1993

SUBJECT: Draft Model Home Policy

RE: Attached

Please note the attached, for your review and use. It is my understanding that you will include this as a part of the agenda item introducing ordinance #93-0-00042, for adoption by the City Commission.

Please advise if you require further.

/pm

Attachment

cc: Jerry Maxwell
Lamar Clemons
Dwight Arnold
Danny Brown
Wade Pitt



CITY COMMISSION POLICY

POLICY TITLE: Model Home Policy		CITY COMMISSION POLICY NUMBER: 412CP
		DATE ADOPTED:
		DATE OF LAST REVISION:
412.01	AUTHORITY Ordinance # 93-0-00042, amending Section 21-3-4 of the City Subdivision Code and adopted _____.	
412.02	SCOPE AND APPLICABILITY This policy applies to the construction of model residential units in new single family subdivisions at any time between the approval of the preliminary plat and the recording of the final plat.	
412.03	POLICY STATEMENT A. It is the policy of the City of Tallahassee to issue permits for the construction of up to three (3) model homes in new residential subdivisions, prior to the completion of all infrastructure, if: <ul style="list-style-type: none">(1) the preliminary plat for the subdivision has been approved and permits for the construction of the public infrastructure have been issued;(2) the developer of the subdivision has entered into a "utility letter of agreement" with the City which specifies the number of model homes that will be permitted;(3) the model homes will not be inhabited as dwellings and will only be used for display and sales purposes until after the final plat has been recorded;(4) no permanent utility connections shall be made to the model homes until after the final plat has been recorded;	
DEPARTMENT Growth Management		DEPARTMENT HEAD SIGNATURE



COMMISSION POLICY

POLICY TITLE: Model Home Policy	DEPARTMENT Growth Management	PAGE 2 of 3
412.04	<p>(5) the lot on which the model home is located will not be sold until after the final plat is recorded; and</p> <p>(6) the developer has entered into a "Model Home Construction Agreement," (Exhibit #1) which specifies the conditions under which the model homes are permitted.</p> <p>B. The execution of a utility letter of agreement and the issuance of permits to construct model homes do not obligate the City of Tallahassee to supply any utility or access to the model homes until such utilities and roadways have been constructed and accepted by the City for maintenance.</p> <p>ACTION SECTION</p> <p>A. The utility letter of agreement is drafted at some time after the approval of the preliminary plat but prior to the start of any site construction. If the developer wishes to construct, or allow for the construction, of any model homes prior to the recording of the final plat, he/she shall so indicate during the negotiations on the utility letter of agreement and a clause will be included in the agreement specifying how many model homes may be built.</p> <p>B. A separate "Model Home Construction Agreement" shall be executed by each builder who wishes to construct model homes. A copy of this agreement shall be submitted with each application for a model home.</p>	
412.05	<p>DEFINITIONS</p> <p>A. model home - one (1) residential unit, built to be representative of other residential units, to be used for display and/or as a sales office while other units are under construction.</p>	



COMMISSION POLICY

POLICY TITLE:	DEPARTMENT	PAGE
Model Home Policy	Growth Management	3 of 3
	<p>B. utility letter of agreement - an agreement between the City of Tallahassee and a project developer, which specifies, among other things, the standards that must be met by developer installed infrastructure, the terms for reimbursement by the City for developer installed infrastructure and any special conditions that may be applicable to the project.</p> <p>412.06 ADMINISTRATION The Growth Management Department.</p> <p>412.06 SUNSET REVIEW _____, 1998 (5 years after adoption)</p> <p>412.07 EFFECTIVE DATE _____, 1993 (date of adoption)</p> <p>d:\admin\common\fin\plat</p>	

MODEL HOME CONSTRUCTION AGREEMENT

This agreement applies to the construction of model homes in subdivisions prior to the installation and acceptance of roadways and utilities, and final plat recordation. This agreement applies only to the interim period between preliminary plat approval and the completion of necessary infrastructure and the recording of the final plat. Should the developer opt to construct model homes, it shall be with the understanding that the City of Tallahassee has no obligation to supply any utilities/services to the model homes until such time as the utilities and roadways have been installed, inspected and accepted in compliance with the term outlined within the Utility Letter of Agreement, and a final plat has been recorded.

1. A "model home" consists of one (1) single family dwelling unit.
2. ___ "Model Home" permits are authorized subject to the following conditions:
 - A. The developer shall have entered into a utility letter of agreement with the City of Tallahassee for the extension of the infrastructure that would serve the development.
 - B. The model home shall not be inhabited as a dwelling but only available for display and sales purposes.
 - C. No permanent utility connections shall be made to the structure.
 - D. The lot on which a model home is constructed shall not be sold to an individual prospective home owner until after plat is recorded.
 - E. The agreement shall become null and void once the plat the utilities systems and roadway have been recorded and accepted for ownership and maintenance.
3. Should the developer or builder fail to honor the above provisions of this agreement, no further model home permits will be issued.

Name of Subdivision

Street Address(es)

Lot(s) and Block(s)

Name of Developer's Company

Name of Builder's Company

Developer (print name and title)

Builder (print name and title)

Signature

Signature

Witness:

Witness:

Signature/Print Name

Signature/Print Name

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this ___ day of _____, 199___, by _____ who is personally known to me or who has produced identification and who did (did not) take an oath.


(SEAL)

Signature of Notary

Print or Type Name

MEMORANDUM

TO: Jerry Maxwell, Assistant City Manager

FROM: Martin P. Black, AICP, Land Use Administrator 

DATE: November 12, 1993

SUBJECT: Subdivision Regulations Amendment Consistency Review

On November 10, 1993, the Planning Commission met to review the proposed amendments to the City Subdivision Regulations which streamline final plat review and provide feasibility for the construction of model homes following Planning Commission review and approval of a preliminary plat. The Planning Commission voted 5-0 to find the proposed amendments consistent with the Comprehensive Plan based upon the findings recommended by Ken Davis in his attached memorandum. We will schedule City Commission introduction for December 15, 1993 with adoption in January, 1994.

MB/lk

xc: Wendy Grey, Planning Director
Buddy Holshouser, Growth Management Director

LU93-1490

MEMORANDUM
Tallahassee-Leon County Planning Department

TO: Martin Black, Land Use Administrator
FROM: Ken Davis, Acting Chief of Comprehensive Planning
DATE: October 1, 1993
SUBJECT: Plan Consistency Review of Proposed City Subdivision Regulation Amendments

I have reviewed the proposed amendments to the City Subdivision Regulations for consistency with the Tallahassee-Leon County 2010 Comprehensive Plan. It is my understanding that these amendments would allow the issuance of building permits for subdivisions once certain prerequisites related to the installation of sewer and water, approval of environmental permits, roadway system installation, and final plat submission have been met. Certificates of occupancy, however, would not be issued until the final plat has been accepted and recorded. The net effect of the changes would be to allow earlier issuance of building permits prior to final platting, while still maintaining government oversight of developments through the certificate of occupancy mechanism.

Land Use Policy 1.4.6. of the comprehensive plan requires, in part, the establishment of land development regulations (LDRs) for subdivisions. In addition, Transportation Policy 1.10.2. indicates that the local government shall not take over the maintenance or the responsibilities associated with a local private road not built or upgraded to standards adopted by the local government. The proposed amendments are consistent with these policies.

There is what appears to be an editing/typographical error in Section 1, Paragraph 3. Should the last word of this paragraph be "approval" (rather than "agreement")?

On the basis of the policies cited above, I would recommend that the Planning Commission find the proposed amendments to the ordinance to be consistent with the comprehensive plan.

cc: Wendy Grey, Planning Director

Permit Review Committee

Real Estate Agent:	Bill Duggar Dan Vollmer
Development:	Mark Conner Fred Shelfer
Builder/Contractor:	Todd Sperry Ed Dion Jackie Wilson
Tradesmen:	Bob McPherson Pee Wee Vause
Environmental Community:	Ann Bidlingmaier
CONA:	Dick Eddy
Engineering Community:	Karen Bass
Chamber Staff Rep.:	Jim Ashlock
Development Coordinator:	Danny Brown Wade Pitt
Building Department:	Ronnie Spooner
Planning:	Marty Black

PLANNING DEPARTMENT
TALLAHASSEE, FLORIDA

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