

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 10 - SUBDIVISIONS**

Chapter 1. Subdivisions

Section 10.1.1. Purpose and Intent

The purpose and intent of this Article is to establish the procedures for review and approval of proposed subdivisions and plats within the City of Cape Coral in accordance with Chapter 177 Part 1 of the Florida Statutes, the City of Cape Coral Technical Requirements for Plat Approval, and this Code.

Section 10.1.2 Applicability and Process.

A. Applicability. This Section shall apply to any subdivision or re-subdivision of land in the City.

1. No subdivision shall be platted or recorded, no lot shall be sold, and no building or development permit be issued unless the subdivision meets all applicable laws of the state, this code, and has been approved by the City in accordance with the requirements of this Article.
2. This section shall not apply to any land forming part of a subdivision created and recorded prior to effective date of the ordinance from which this article is derived, but it shall apply to any re-subdividing (replats) of previously approved subdivisions and all new subdivisions.
3. It is not intended by the provisions of these regulations to repeal, abrogate, annul, or in any way impair or interfere with private restrictions placed upon property by deed, covenant, or private agreement, except that where this article imposes higher standards than imposed by such deeds, covenants, or private agreements then the provisions of this article shall apply. The City shall not be responsible for enforcement of such deeds, covenants, or agreements.

B. Unless otherwise exempt from this Section or approved as a lot split, all subdivision of land is subject to a three-step review process consisting of:

1. Preliminary Subdivision Plan (PSP) approval;
2. Subdivision Construction Plan (SCP) approval; and
3. Plat approval and recording.

C. PSP approval is optional for lot splits and those projects in compliance with zoning regulations. SCP approval is required prior to Plat approval.

Section 10.1.3 General Requirements.

A. All division of land in the City shall occur only as a new subdivision plat, a replat, or a lot split. The requirements for lot splits are set forth in Article 3, Chapter 3, Section 3.3.4.

B. No lot split shall be recognized by the City, no lot that is part of a lot split shall be sold, and no building permit shall be issued unless the lot split has been approved by the City prior to recording in accordance with the requirements of Article 3, Chapter 3, Section 4.

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- 47
- 48 C. A PSP depicts the proposed subdivision layout and the preliminary design of any required
- 49 improvements which may include off-site improvements. A Preliminary Subdivision Plan is an
- 50 administrative approval, pursuant to Article 3 of this Code.
- 51
- 52 D. Following PSP approval, applicants may then seek approval of the SCP and Plat.
- 53
- 54 E. The SCP shall depict the detailed engineering and construction plans to develop a subdivision and all
- 55 required improvements, in accordance with the approved PSP.
- 56
- 57 F. Subdivisions may be approved for phased development. Phasing must be shown on the PSP.
- 58
- 59 G. An application for Plat review shall not be submitted prior to application for SCP approval. The
- 60 applications may be submitted concurrently.
- 61
- 62 H. Electronic file. In addition to any hard copies that may be required all PSPs, SCPs, and Plats shall
- 63 submitted as electronic files in a format acceptable to the City.
- 64
- 65 I. No plat or replat of any subdivision shall be recorded in the office of the Lee County Clerk until the
- 66 plat has been duly approved by City Council in the manner prescribed herein.
- 67
- 68 J. All plats approved by the City Council shall be recorded by the developer at the Lee County Clerk of
- 69 Circuit Court within 20 business days of receiving the approved plat from the City.
- 70
- 71 K. Employment of engineers, surveyors, and other design consultants. A professional engineer licensed
- 72 in the State of Florida shall prepare the respective plans to be included in all applications for approval.
- 73 The engineer shall design all required improvements such as streets, drainage systems, water and
- 74 sewage facilities, etc. Plats shall be prepared by a professional surveyor and mapper licensed in the
- 75 State of Florida. All plans, drawings, reports, and calculations shall be prepared, signed, and sealed by
- 76 the appropriate licensed professional, such as engineers, architects, landscape architects, land
- 77 surveyors, and attorneys registered in the state. Other specialized consultants, such as environmental
- 78 consultants, structural engineers, archaeologists, etc., may be required to assist in the preparation of
- 79 the plans, drawings, reports, and other documents required as application submittals.
- 80
- 81 L. It shall be unlawful for the owner or agent of the owner of any land in the City to transfer, sell, or
- 82 convey land by reference to, exhibition of, or other use of a plat of a subdivision of such land without
- 83 having recorded an approved plat with the Lee County Clerk as required herein. If such unlawful use
- 84 is made of a plat before it is properly approved and recorded, the owner or agent shall be guilty of a
- 85 misdemeanor of the first degree, punishable as provided in Florida Statutes 665.083 or Florida
- 86 Statutes 775.082. Provided, however, that nothing herein shall affect the validity of transfers on sales
- 87 of interests in property.
- 88

89 **Section 10.1.4 Preliminary Subdivision Plan Approval.**

90

- 91 A. Purpose and intent. The purpose of Preliminary Subdivision Plan approval is to help prevent
- 92 unnecessary and costly revisions during the Subdivision Construction Plan and Plat preparation stage

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93 of the subdivision development process. The Preliminary Subdivision Plan depicts the proposed
94 subdivision layout and preliminary design of the proposed improvements in sufficient detail in order
95 that it may be evaluated and granted preliminary approval pursuant to this Code.
96

97 **B. Review Process.**
98

99 1. Applications for a Preliminary Subdivision Plan approval are reviewed in the same manner as
100 administrative approvals, as established in Article 3 of this Code.
101

102 2. All applications must be prepared by a Florida registered professional engineer and shall be
103 submitted on forms provided by the Director.
104

105 **C. Expiration.** The PSP approval shall expire and be of no further force and effect if a completed
106 application for SCP approval is not filed within two years of PSP approval. After expiration of
107 two years, the applicant will be required to re-submit the PSP for review and approval as set forth in
108 this Article. Applicants may apply for an extension prior to the expiration date. The applicant shall
109 demonstrate good cause for the extension. The Community Development Director may extend the
110 approval period up to twelve (12) months if the applicant has progressed in good faith toward the
111 implementation of the subdivision. Subdivisions approved in conjunction with a PUD shall be
112 governed by the Master Concept Plan (MCP)(and any, phasing, conditions, or requirements of the
113 PUD.
114

115 **Section 10.1.5 Subdivision Construction Plan Approval.**
116

117 **A. Application required.** The applicant shall submit Subdivision Construction Plans for the required
118 subdivision improvements in compliance with the PSP approval or a PUD MCP. No construction shall
119 commence until the applicant has received requisite design approvals, permits, and complied with
120 applicable provisions of this article.
121

122 **B. Timing.** Applications for SCP approval must be submitted within two years of City approval of the PSP.
123 Applications for approval of subsequent phases, if any, shall occur within twelve (12) months of the
124 issuance of a certification of completion of the previous phase. Failure to submit for SCP approval
125 within a specified amount of time shall require reapplication under the PSP requirements of this
126 Article. Applicants may not apply for SCP approval for any portion of the subdivision that is not to be
127 constructed within the following twelve (24) months. Failure to make application for SCP approval
128 within required time periods may result in revocation of a Preliminary Subdivision Plan, unless the
129 applicant has applied for an extension from the Community Development Director prior to the lapse.
130 The request for the extension must be made prior to the expiration date. The applicant shall
131 demonstrate good cause for the extension. The Community Development Director may extend the
132 prescribed time period up to twelve (12) months if the applicant has progressed in good faith toward
133 the implementation of the PSP.
134

135 **C. Review Process.** Application review and approval follows the administrative review procedure as
136 established in Sections 3.1.4 through 3.1.8 of Article 3. Specifically, SCP's are reviewed in accordance
137 with Section 3.3.7.
138

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- 139 D. Approval of the SCP. Upon approval of the SCP the developer may proceed with construction in
140 accordance with Section 3.3.7. or the developer may complete the Plat review process for recording
141 the Plat.
142
- 143 E. When the developer elects to install the subdivision improvements prior to recording of the plat, a
144 Certificate of Completion for the improvements must be obtained in accordance with Section 3.3.7.,
145 prior recoding the plat. The final plat shall not be scheduled for City Council approval prior to receipt
146 of the Certificate of Completion.
147
- 148 F. When the developer intends to record the plat prior to installation of the required improvements the
149 developer shall provide assurance of completion of the improvements as approved in the SCP.
150
- 151 1. Assurance of completion of improvements. Assurance of completion of the subdivision
152 improvements as specified below will be required for all on and off-site improvements, required
153 to support the subdivision. Assurance of completion of the improvements will be required prior
154 to scheduling the plat for City Council approval. Those subdivision improvements that have been
155 constructed, inspected, and approved by the Development Services Manger through the issuance
156 of a Certificate of Completion may be excluded from the financial assurance provided.
157
- 158 2. Surety or cash performance bond. Security in the form of a surety or cash performance bond must
159 be posted with the Community Development Department and made payable to the City in an
160 amount equal to 110 percent of the full cost of installing the required improvements approved by
161 the City. If the proposed improvement will not be constructed within one year of issuance of the
162 subdivision infrastructure permit, the amount of the surety or cash performance bond must be
163 increased by ten percent compounded for each year of the life of the surety or bond. Alternatively,
164 the surety or cash performance bond may be renewed annually at 110 percent of the cost of
165 completing the remaining required improvements if approved by the Director. Prior to
166 acceptance, bonds must be reviewed and approved by the City Attorney's Office. Surety
167 instruments will be reviewed and approved in accord with the provisions set forth in City of Cape
168 Coral Technical Requirements for Plat Approval.
169
- 170 3. Other types of security. The Director may accept letters of credit or escrow account agreements
171 or other forms of security provided that the reasons for not obtaining the bond are stated and
172 the City Attorney approves the document. Review and approval of surety instruments will be in
173 accord with the guidelines set forth in City of Cape Coral Technical Requirements for Plat
174 Approval.
175
- 176 G. Engineers Opinion of Probable Construction Costs. Cost opinions prepared to determine the amount
177 of the financial surety shall be prepared in accordance with Article 3 of this Code and shall also include
178 the cost of setting all permanent control points (PCPs) required by Section 10.1.7. of this Code.
179
- 180 H. Phasing. The SCP may contain phases as provided on the PSP or MCP. Each phase of a subdivision
181 shall install all required improvements to support that phase and provide continuation of
182 improvements as may be required from previous phases and for future phases. No phase shall be
183 approved if it is dependent on a future unconstructed phase of the subdivision.
184

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- 185 I. Applicant's failure to complete required improvements.
186
187 1. Failure of applicant to complete required improvements. When a plat has been recorded and the
188 applicant fails to complete the required improvements as required by this article, the City shall
189 require the completion of the required improvements under the financial assurance provided by
190 the Developer. In such case, the City shall call upon the financial surety to secure satisfactory
191 completion of the required improvements. Legal notice of such action shall be deemed to have
192 been duly served upon demand of the Director via certified mail return receipt requested.
193
194 2. In cases where plat has not been recorded. Where an applicant has elected to install the required
195 improvements prior to recording of the plat and fails to complete such improvements within the
196 time limitations of this article, all approvals of the subdivision shall be null and void. No reference
197 shall be made to the plat with respect to the sale of lots or issuance of building permits, unless
198 and until the Developer submits a new application for SCP and Plat approval.
199

200 **Section 10.1.6 Plat Approval.**

- 201
202 A. Plat approval procedures. Plats must be prepared in accordance with Chapter 177 Part 1 of the Florida
203 Statutes, and the City of Cape Coral Technical Requirements for Plat Approval, which are hereby
204 incorporated by reference. The preliminary plat must be submitted during the SCP review. SCP
205 approval will not be granted prior to approval of the preliminary plat. The Final Plat shall incorporate
206 all changes or modifications resulting from the review of the SCP and any remaining conditions or
207 requirements of the PSP or MCP approval.
208
209 B. Review Process. Application review and approval follows the administrative review procedure as
210 established in Article 3 of this Code.
211
212 C. Supplemental information required for plat review.
213
214 1. Operation and maintenance covenants. Where applicable, a copy of the covenants used for the
215 maintenance and operation of the infrastructure improvements required by this Code including
216 private streets and adjacent drainage, drainage and storm water management systems, utilities,
217 public water and sewage systems, on-site bikeways, on-site pedestrian ways, open space, parks,
218 recreation areas, and buffers. These documents must meet the criteria set forth in the City of
219 Cape Coral Technical Requirements for Plat Approval.
220
221 2. Articles of incorporation and bylaws or other legal documents for assignment of maintenance.
222 The developer must submit a copy of the legal documents creating the legal mechanism to ensure
223 that the drainage system, on-site bikeways, on-site pedestrian ways, roadways and rights-of-way
224 are continuously maintained. These documents must meet the requirements set forth in the City
225 of Cape Coral Technical Requirements for Plat Approval.
226
227 D. After the final plat has been approved and certified by the Community Development Director, the City
228 Surveyor, and the City Attorney that it complies with all applicable requirements of this Code, the
229 Director shall schedule the Plat for acceptance by City Council. The plat will be scheduled as a consent
230 agenda item on an upcoming City Council meeting. Upon City Council approval and acceptance of the

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231 plat, the Mayor and City Clerk shall indicate such approval on the final plat by signing the certificate
232 of approval for recording. The Director will notify the developer when the approved Plat has been
233 signed and ready for recording.
234

235 E. Revisions after final plat approval by City Council and prior to recordation.
236

237 1. Recording information for the property or home owner's association documents may be added
238 to the plat at the time of recording of the documents.
239

240 2. Any other changes, erasures, modifications, or revisions to an approved plat prior to recordation
241 may only be made by the Community Development Director to correct scrivener's errors. No
242 such request shall be considered unless made by the preparer of the plat.
243

244 3. No other changes, erasures, modifications, or revisions may be made to an approved final plat
245 prior to recordation unless a new application and fee are submitted for review and approval.
246

247 F. Approval of the Plat by the City shall not constitute acceptance by the City of the dedication of any
248 public street, other public way, easement, or improvement or the responsibility to construct or
249 maintain any improvements unless so indicated in the dedication on the plat.
250

251 G. Recording. The approved plat shall be recorded with Lee County Clerk of Circuit Court within twenty
252 (20) days of receiving the approved plat from the City. After recordation of the plat, the
253 developer shall provide to the Community Development Director a full size certified copy of the
254 recorded plat.
255

256 H. Building permits. No building permits for residential or residential accessory structures shall be issued
257 until the final plat has been recorded and all subdivision improvements have either been completed or
258 sufficient assurance of completion has been reviewed and approved by the City Attorney.
259

260 I. Phasing. The applicant may construct the proposed development and record plats for any phase
261 approved on the PSP or MCP. The phases shall have been specified on the approved Preliminary
262 Subdivision Plan and shall be of such a size and design that all phases completed at any time can exist
263 independently as a subdivision in complete conformity with the requirements of this article. Any
264 change in the sequence of phases must receive prior approval by the Development Services Manager.
265 If PSP or MCP is phased, the applicant shall have the option of platting one or more of the
266 development phases in a single plat in conformity with all the procedures and requirements of this
267 article.
268

269 **Section 10.1.7 Minimum Design Standards.**
270

271 A. Monumentation. Monuments must be installed in accordance with F.S. Ch. 177.091(9).
272

273 1. Permanent reference monuments. Permanent reference monuments (PRMs) must be placed on
274 the boundary of all subdivisions as required by F.S. Ch. 177, as amended, and approved by a
275 licensed, registered state professional surveyor and mapper.
276

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- 277 2. Monuments must be set in the ground so that the top is flush or no more than one-half foot
278 below the existing ground. Subsurface PRMs must be exposed for inspection when a plat is
279 submitted for review. If development of the subdivision occurs after a plat is reviewed, the PRMs
280 must be raised or lowered to be flush or no more than one-half foot below the finished ground.
281 Subsurface PRMs must be exposed for inspection at the time of final inspection of the
282 development.
283
- 284 B. Permanent control points. Permanent control points (PCPs) must be installed in accordance with F.S.
285 Ch. 177. When a plat is recorded prior to construction of the subdivision improvements, the PCPs
286 must be set following completion of construction. The surveyor must certify that the PCPs have been
287 set and must record the certification in the official record books of the County.
288
- 289 C. Streets.
290
- 291 1. The widths and locations of all public or private streets in a proposed subdivision shall Conform
292 to the City of Cape Coral Engineering Design Standards.
293
- 294 2. Street extensions.
295
- 296 a. The street layout of the proposed subdivision shall provide for the continuation or
297 projection of streets already existing in areas adjacent to the area being subdivided unless
298 such continuation or extension is for specific reasons of topography or design.
299
- 300 b. Where it is necessary for public safety to provide street access to adjoining properties,
301 proposed streets shall be extended by dedication to the boundaries of such properties.
302 Where it is determined necessary for public safety, dead-end streets shall be provided
303 with a temporary turnaround having a radius as specified in the City of Cape Coral
304 Engineering Design Standards.
305
- 306 c. The street system for the proposed subdivision shall provide for extending existing streets
307 at the same or greater width, but in no case, shall a street extension be of less width than
308 the minimum width required by the City of Cape Coral Engineering Design Standards for a
309 street in its category.
310
- 311 3. Dedication of right-of-way for new streets.
312
- 313 a. The dedication of rights-of-way for new streets, measured from lot line to lot line, shall
314 meet the standards specified in the City of Cape Coral Engineering Design Standards.
315
- 316 b. Dedication of one-half of the rights-of-way for proposed streets along the boundaries of
317 land proposed for subdivision shall be prohibited.
318
- 319 4. Dedication of right-of-way for existing streets.
320

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- 321 a. Subdivisions platted along existing streets shall dedicate additional rights-of-way if
322 necessary to meet the minimum street width requirements for new streets set forth in the
323 City of Cape Coral Engineering Design Standards.
324
- 325 b. The entire minimum right-of-way width shall be dedicated where the subdivision is on
326 both sides of an existing street. When the subdivision is located on only one side of an
327 existing street, one-half of the required right-of-way width, measured from the center line
328 of the existing right-of-way or street, as appropriate, shall be dedicated.
329
- 330 5. Intersections. Intersections shall be designed and spaced as set forth in the City of Cape Coral
331 Engineering Design Standards.
332
- 333 6. Curves in streets; horizontal and vertical. All curves in streets shall be designed and
334 constructed as set forth in the City of Cape Coral Engineering Design Standards.
335
- 336 7. Street grades and elevations. Street grades and elevations shall conform to the City of Cape
337 Coral Engineering Design Standards.
338
- 339 8. Frontage access streets. Where the proposed subdivision abuts upon or contains an existing
340 or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant
341 special safety considerations, the City shall require that frontage access streets be provided in
342 order that no lots will front on such existing or proposed arterial street or highway.
343
- 344 9. Street jogs. Street jogs must be as set forth in the City of Cape Coral Engineering Design
345 Standards.
346
- 347 10. Dead-end streets (cul-de-sacs). Cul-de-sacs or dead-end streets must be designed to conform
348 to the City of Cape Coral Engineering Design Standards.
349
- 350 11. Street names. Proposed streets which are in alignment with other already existing and named
351 streets shall bear the names of such existing streets. The name of a proposed street which is
352 not in alignment with an existing street shall not duplicate the name of any existing street.
353
- 354 12. Alleys. Alleys may be provided to give access to the rear of all lots used for commercial and
355 industrial purposes. Alleys shall not be provided in residential blocks except in the SC district
356 or in cases where the developer produces evidence of the need for alleys which is satisfactory
357 to the City.
358
- 359 D. Blocks. Block lengths shall not exceed 1,200 feet or be less than 400 feet, except as approved by
360 the Director.
361
- 362 E. Lots.
363
- 364 1. Arrangement. Each lot in a subdivision shall be at right angles to straight street lines and radial
365 to curved street lines.
366

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367 2. Dimension and area regulations. Dimension and area regulations for all lots proposed within
368 the subdivision, including the size, shape, width, depth, area, building setback lines, corner lot
369 regulations, yard requirements, off-street parking areas, and minimum lot frontage on public
370 streets shall comply with the zoning district requirements in which the proposed subdivision
371 is located.

372

373 F. Utility and drainage easements.

374

375 1. Utility planning and coordination. To ensure that adequate and properly designed utility
376 easements are provided, developers shall consult with City staff and other appropriate
377 personnel of public utility authorities providing gas, electricity, telephone, water, sewer, or
378 other services of a similar nature before and during the planning and preparation of a
379 Preliminary Subdivision Plan.

380

381 2. Width and location. A 10' public utility easement shall be provided across the front of all lots
382 or parcels and shall be provided along each side of any street right of way or access easement.
383 Where necessary or advisable in the opinion of the City, similar easements shall be provided
384 alongside lot lines or across lots. Easement design should provide clear and orderly alignments
385 from one block to the next and from one development to the next. The easement system
386 should be continuous and well aligned to permit the efficient installation of utility service lines.

387

388 3. Underground wiring and installation. Developers shall contact overhead public utility
389 authorities in the early stages of subdivision planning to determine the procedures for
390 negotiating contracts for all underground utility service.

391

392 4. Storm drainage. Drainage easements shall be sized appropriately for the installation and
393 maintenance of drainage improvements necessary for proper drainage within or through a
394 subdivision.

395

396 G. Street lights. As established in the City of Cape Coral Engineering Design Standards.

397

398