

Sec. 4.911. - General provisions.

4.911.A. *Applicability.*

1. Any person, proposing a subdivision of real property in unincorporated Martin County shall first obtain plat approval in accordance with the requirements of division 21 unless such sale or conveyance is specifically exempted.
2. The provisions of division 21 shall be in addition to the requirements of F.S. ch. 177.
3. No subdivision plat shall be approved for recording until the requirements of division 21 and F.S. ch. 177, have been met.

4.911.B. *Subdivision defined.* As used in this division 21, the term "subdivision" shall mean: The division or platting of land into three or more lots, tracts or parcels for the purpose of sale or lease, the subdivision of new streets and alleys, whether public or private, changes in an existing street or alley, whether public or private, additions and resubdivisions of any parcel divided or platted after September 27, 1977.

4.911.C. *Exemptions.* The term subdivision shall not be applied to any of the following:

1. *Lot splits:* The division of a lot of record that so existed on September 27, 1977, into two lots (parcels) provided that each lot (parcel) so created shall comply with all other Land Development Regulations.
2. *Judicial exception:* Any division or redivision of a parcel of land made pursuant to an order of a court of competent jurisdiction.
3. *Boundary settlement exceptions:* Any conveyance between adjacent land owners if:
 - a. The purpose of the conveyance is to adjust or settle the common boundary line between said adjacent landowners; and
 - b. Such purpose is stated in the deed of conveyance or is stated in a separate instrument recorded in the public records of Martin County.
4. *Conveyance to government:* Any division or redivision of a parcel of land, the sole purpose of which is to convey a part thereof to any Federal, state or local governmental entity or agency for a bona fide public purpose and, provided that such conveyance is accepted by such governmental entity or agency by an instrument recorded in the public records of Martin County.

5. *Creation of equal or larger building parcels in recorded subdivisions:* Any division or redivision of lots in a previously platted subdivision, the sole purpose of which division or redivision is to create new building parcels which are at least equal in size to the existing lot or lots. Under this exception for example and not by way of limitation, three adjoining platted 50-foot lots might be replaced by two 75-foot parcels or by one 70-foot parcel and one 80-foot parcel.
 6. *Exception for corrective instruments:* Any conveyance from the grantor in a deed recorded prior to September 27, 1977, to the same grantee in said deed, if the purpose of such conveyance is solely to correct defects in such deed recorded prior to September 27, 1977.
 7. *Agricultural exception:* Any division or redivision of a parcel of land for bona fide agricultural use, if no parcel of less than 20 acres in area is hereby created, if no public street is created, if no change is made in an existing public street, and if a declaration is contained in each deed of conveyance that the Board of County Commissioners of Martin County shall have no responsibility, duty or liability with regard to any private street to be created. Residential development in the areas designated Agricultural on the Future Land Use Map of the Growth Management Plan are restricted to one single-family residence per gross 20-acre tract. In order to further avoid activities that adversely impact agricultural productivity on agricultural lands as designated on the Future Land Use Map, no development shall be permitted which divides landholdings into lots, parcels or other units of less than 20 gross acres. Acreage may be split for bona fide agricultural uses into parcels no smaller than 20 gross acres. Residential subdivisions must be platted and must provide for all necessary services. Residential subdivisions at a density or intensity of greater than one single-family dwelling unit per 20 gross acre lot shall not be allowed.
- 4.911.D. *Plat procedures.* Applications for plats shall be reviewed and processed pursuant to article 10, Development Review Procedures.
- 4.911.E. *Issuance of building permits.* Compliance with this division 21 shall be a condition precedent to the issuance of a building permit for any parcel within unincorporated Martin County.

4.911.F. *Authority of county inspectors.* The county engineer or his/her designee is authorized to inspect all construction related to required subdivision improvements and infrastructure. The county engineer or his/her designee shall not be authorized to revoke, alter or waive any requirements of the approved plans and specifications, but shall be authorized to call to the attention of the subdivider any failure of work or materials to conform to the approved plans and specifications. The county engineer or his/her designee shall have the authority to reject materials or suspend work that is not consistent with the approved plans and specifications.

The county engineer or his/her designee shall in no case act as foreman or perform any duties for the subdivider, nor interfere with the management of the work, and any advise which the county engineer or his/her designee may give to the subdivider shall in no way be construed as binding to the County or release the subdivider from carrying out the intent of the plans and specifications.

When the county engineer or his/her designee determines that construction activities must cease, such determination shall be documented in writing to the subdivider.

The neglect of the county engineer to order the rejection of any material or work at the time it is proposed for use shall not act as a waiver of his right to subsequently reject such material or work in the event of discovery that such material or work is not consistent with approved plans and specifications.

4.911.G. *Testing requirements.* The expense for the testing of materials and construction related to required subdivision improvements and infrastructure shall be the responsibility of the subdivider.

Upon completion of all required improvements, the subdivider's engineer shall submit a certification to the County Engineer that all work was constructed according to the approved plans and specifications. The subdivider's engineer shall submit with the certification a construction report including the dates, locations and results of all tests and the person(s) who conducted the tests. Tests shall be made for compaction of roadways, sidewalks, grading, where applicable, subbase and base. Compression test of concrete cylinders shall be made on all phases of concrete work.

All required tests of materials shall be performed by an authorized laboratory. The samples for such tests shall be taken under supervision of, or as directed by, either the county engineer or the authorized laboratory personnel.

All density tests of compacted areas shall be made pursuant to the Modified Proctor Test (AASHTO 180) in accordance with the method specified in each case by the Department of Transportation standard specifications.

Florida Bearing Values Tests for the stability of the existing subsoil shall be taken at intervals of not more than 200 feet, and closer as may be necessary in the event of variations in the strata.

Tests for the density of the subgrade shall be taken at intervals of 200 feet, or less, where necessary. Density shall be determined as specified in the standard specifications of the state road department except that the required density shall be 95 percent of the maximum density as determined by AASHTO 180.

Tests for the density of the base shall be made at intervals of 500 feet, or less where necessary, and the density requirements shall be as specified for bases in the standard specifications of the state road department.

(Ord. No. 616, pt. 1, § 4.21.1, 6-24-2002)