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ARTICLE XIII

SUBDIVISIONS

SECTION 21-160 - GENERAL PROVISIONS

These regulations are intended to aid in the coordination of land development in accordance with orderly physical patterns; to discourage haphazard, premature, or scattered land development; to encourage development of economically stable and healthful communities; to ensure proper identification, monumentation and recording of real estate boundaries; to ensure to the purchaser of land in the subdivision that adequate and necessary physical improvements of lasting quality will be installed by the developer and ensure that citizens and taxpayers will not bear this cost; to provide for safe and convenient traffic circulation; to provide an efficient, adequate and economic supply of utilities and services to new land developments; to prevent periodic or seasonal flooding through flood control measures and drainage facilities; to provide public open spaces in new land development through the dedication or reservation of land for recreational, educational and other public purposes; to help conserve and protect physical, economic and scenic resources; to promote the public health, safety, comfort, convenience and general welfare; to serve as an instrument of comprehensive plan implementation authorized by Florida Statutes.

21-160.01 - In General

- a. The provisions of this Article shall be in addition to the specific requirements of Florida Statutes regarding the subdivision of land and subsequent sale of subdivided land.
- b. In addition to City-wide subdivision design standards contained in this Article, the City of Edgewater has adopted the Indian River Corridor Design Regulations which are incorporated as Article XVIII in this Land Development Code. Requirements contained in Article XVIII, Indian River Boulevard Corridor Design Guidelines, include specific lot size and access requirements that shall supercede similar requirements set forth in this Article. Properties located within the Indian River Boulevard Corridor Overlay must adhere to the subdivision regulations contained in the Indian River Boulevard Corridor Design Regulations. A copy of these regulations and illustrations for design is available for purchase at the City Hall. It is the Developer's responsibility to obtain a copy of the regulations for the Overlay prior to conceptual design layout.
- c. The provisions of this Article are not intended to abrogate any easement, covenant or other private agreement, however, where the requirements of this Article are more restrictive or impose higher standards than the private agreement, the terms of this Article shall control.
- d. When an approved plat is recorded by the owner, all streets, right-of-ways, public lands, easements and other facilities shall be deemed to have been dedicated to the parties noted on the plat without further instrument or evidence being required. However, nothing herein shall be

construed as creating an obligation on the part of any governmental agency to perform any construction or maintenance except where the obligation is voluntarily assumed.

- e. All subdivisions shall be consistent with the policies expressed in the City of Edgewater Comprehensive Plan and all other applicable ordinances and regulations.
- f. *Subdivision Plat Required.* No real property shall be divided into three (3) or more lots for the purpose of sale or other transfer of ownership, nor shall development plans be approved or permits issued without compliance with the requirements of this Article.
- g. *Exemptions.* The following activities shall be exempt from the terms of this Article, unless otherwise noted:
 - 1. The division of land in single ownership into parcels of not less than five (5) acres each, where no new street right-of-ways are proposed or required and each parcel has a minimum frontage along an existing dedicated public road of no less than one-hundred feet (100').
 - 2. The combination or recombination of previously platted lots or portions of lots, where the overall number of lots is not increased and all of the resultant lots meet or exceed the dimensional standards of this code.
 - 3. The division of a parcel of land pursuant to court order or a cemetery lot or interest therein.

21-160.02 - Minor Subdivision

A Minor Subdivision shall be exempt from the review and approval of a plat, however, development plans meeting the requirements of this Code shall be required and subject to review and approval by the City. A minor subdivision is defined as meeting all of the following criteria:

- 1. An overall tract in single ownership of no more than ten (10) acres that is divided into no more than three (3) contiguous lots.
- 2. No adjoining lots, tracts or parcels are in the same ownership.
- 3. No new streets are proposed or required.
- 4. No dedication of right-of-way, drainage areas, utilities, conservation areas or other publicly maintained property is proposed or required.
- 5. All proposed lots meet or exceed the dimensional requirements of this Code and required easements for utility, drainage, conservation or other purposes are delineated for transfer to the City as part of the Development Order.

An application for a Minor Subdivision shall include the following:

- 1. A letter from the property owner requesting the Minor Subdivision and explaining the intended use of the lots.
- 2. One (1) current sealed survey of the existing parcel as laid out prior to the proposed subdivision.
- 3. Three (3) sketch plans prepared by a professional licensed land surveyor showing the proposed lots, including a legal description for each, area calculations, location and size of water, sewer, flood zones and any wetlands areas.

4. A current Ownership and Encumbrance Title Report.
5. Any additional material deemed necessary by the Development Services Department.

Once the application is found to be complete and the fee paid, the TRC shall review and approve the proposed Minor Subdivision. If approved, the appropriate documents shall be recorded by the Clerk of the Court at the applicant's expense.

In order to accomplish these purposes, all land, buildings, streets, drainage and utility facilities shall comply with the procedures and regulations established herein.

SECTION 21-161 - COMPREHENSIVE PLAN CONSISTENCY

The intent of this Section is to create reasonable design standards for subdivision development. Although the provisions herein mostly apply to residential subdivisions, they are also generally applicable to commercial and industrial subdivisions. The regulations contained herein are consistent with the policies and requirements of Chapter 177, Florida Statutes.

The provisions of this Section are consistent with and implement Comprehensive Plan policies contained in the Future Land Use Element, Traffic Circulation Element, Housing Element, Utility Element, Coastal Element and Recreation and Open Space Element.

SECTION 21-162 - PRE-APPLICATION PROCEDURES

21-162.01 - Pre-application Procedures

Before any land under the jurisdiction of these subdivision regulations is to be subdivided, which will require any new street, alley or public right-of-way to be created, or before any building, street, drainage or utility construction in said subdivision is constructed, plans shall be approved by the Planning and Zoning Board and the City Council according to the procedures established herein.

Prior to the preparation of the preliminary plat, the applicant shall attend a pre-application meeting with the TRC to become familiar with the regulations affecting the land to be subdivided.

21-162.02 - Subdivision Sketch Plans

The applicant shall submit a sketch plan for the proposed overall development of the subdivision. This procedure does not require a formal application or fee. The sketch plan shall include the following:

- a. Drawings at an approximate scale showing tentative street layout, approximate rights-of-way widths, general lot arrangements and total acreage.
- b. Existing structures, streets, median cuts, waterways, wooded areas, landscape buffers, floodplains, swamps or wetland areas and stormwater management facilities.
- c. Proposed land uses, density (dwelling units per acre), adjacent existing zoning and areas

reserved for park, recreation, school sites or natural open space areas, phasing and any other appropriate information to make a fair presentation of the proposed development.

The TRC shall review the sketch plan for conformity with the Comprehensive Plan and land development regulations.

The applicant or his agent shall attend the TRC meeting at which the sketch plan is to be discussed to explain the proposed development.

SECTION 21-163 - PRELIMINARY PLAT PROCEDURE

21-163.01 - Preliminary Plat Procedure

Submission and approval or conditional approval of a preliminary plat and construction plans shall be a prerequisite to the development of any subdivision, other than minor subdivisions as described herein. The preliminary plat shall be submitted before the submittal of the final construction plans and final plat. The preliminary plat shall include the overall preliminary design for the entire area that is proposed to be subdivided and/or developed.

- a. *Application for preliminary plat approval.* The applicant shall submit to the Development Services Department the following:
 1. A completed application and appropriate fee.
 2. Eleven (11) black or blue line prints and one reproducible copy of the preliminary plat and eleven (11) copies of the required exhibits.
 3. Two (2) statements describing the proposed use of the land signed by the applicant or his agent and a draft of any protective covenants, conditions and restrictions (CCRs) to be applied to the subdivision.
 4. Two (2) surveys signed and sealed by a Florida Registered Surveyor.

21-163.02 - Exhibits

The following exhibits shall be submitted to the Development Services Department at the time of preliminary plat application:

- a. An assessment of the ability of the proposed project to comply with the Concurrency Management System requirements described in Article XII.
- b. An assessment of the natural resource characteristics of the site that identifies the location of any historic or specimen trees.
- c. An assessment of environmental or natural resources.
- d. A statement regarding the proposed irrigation system for any common areas.
- e. A soil report based on a minimum of one percolation test per ten (10) acres and one, or more, six

foot (6') deep soil borings at a percolation test site.

- f. Tabulations of total gross acreage in the project, acreage in classified wetlands and acreage in flood hazard areas.
- g. Any other items that may be identified and required in the pre-application conference or subsequently by the City.

21-163.03 - Development Plan

A preliminary plat application shall include a separate development plan that, at a minimum, contains:

- a. A vicinity map at maximum scale of one inch (1") equals four-hundred feet (400') showing the relationship of the proposed subdivision to the surrounding area, zoning classifications on adjoining properties, names of adjoining property owners and existing land uses.
- b. A subdivision name. Such a name shall not be the same or in any way similar to any name appearing on another recorded Volusia County plat, except when the subdivision is subdivided as an additional unit or section, by the same developer or his successors in title. Every subdivision's name shall have legible lettering of the same size and type, including such words as section, unit, replat, etc.
- c. The proposed lot lines, dimensions, lot and block numbers and setbacks.
- d. The proposed street layout (including street names) with right of way widths and pavement widths and estimated trip generation or traffic impact study for any subdivision over 15 units.
- e. A topographic map with one foot (1') contour intervals.
- f. A map showing location and acreage of areas in floodplain and areas to remain at natural grade.
- g. A preliminary grading plan showing existing and proposed contours.
- h. A preliminary drainage and surface water management plan.
- i. The proposed sewer collection system, general location, elevation, size sanitary sewer collection, lift station location and connection to existing City system.
- j. The proposed potable water distribution system: line size, location, fire hydrants and connection to the City system.

- k. Common areas, including but not limited to, recreation areas, common open space, trails and areas for identification signs.
- l. A tree survey that depicts and identifies all specimen trees as defined in Article II and identifies which trees are proposed to be removed.
- m. The location and typical cross sections of sidewalks, bikepaths and trails.
- n. A preliminary landscape plan for common areas.
- o. A preliminary street lighting plan.

21-163.04 - Review Comments

The Development Services Department shall transmit one copy of the preliminary plat to the City Engineer, Building Official, Police Chief, Fire Chief, Florida Power and Light, BellSouth Telephone, City Attorney, local cable television provider and other appropriate agencies. Each of these agencies shall review the preliminary plat and submit written comments.

21-163.05 - Planning and Zoning Board/City Council

- a. The Planning and Zoning Board shall review the preliminary plat, required exhibits, development plan and the review comments to determine conformity with the Comprehensive Plan and land development regulations.
- b. The Planning and Zoning Board shall hold a public hearing on the preliminary plat with due public notice. The applicant or his agent shall attend the meeting of the Planning and Zoning Board to discuss the preliminary plat.
- c. Upon completion of its review and consideration at the Public Hearing, the Planning and Zoning Board shall recommend one of the following actions at the Public Hearing:
 - 1. Approval of the preliminary plat.
 - 2. Conditional plat approval, subject to any necessary modifications which shall be noted on the preliminary plat or attached to it in writing and forwarded to the City Council.
 - 3. Denial of the preliminary plat. Such denial shall be accompanied by reasons for such action and/or reference to the specific Articles which the preliminary plat does not comply. The applicant may reapply for preliminary plat approval in accordance with the provisions of this Article.
- d. The recommendation of the Planning and Zoning Board shall be presented to the City Council for review and consideration at a public hearing.

- e. Approval of the preliminary plat shall not be construed as authority for filing of the final plat.

SECTION 21-164 - CONSTRUCTION PLANS

21-164.01 - Construction Plans Procedure

- a. *Preparation of construction plans.* Following approval of the preliminary plat, the applicant shall submit construction plans and specifications for all proposed subdivision improvements. These construction plans must be prepared in conformance with the City's Land Development Code and Standard Construction Details. Construction plans must be prepared by a professional engineer registered in the State of Florida. All new subdivisions are required to have a pre-construction meeting.
- b. *Submission and review of construction plans.* The applicant shall submit three (3) copies of the construction plans to the Development Services Department for review by the City Engineer and the Environmental Services Director. If the construction plans are consistent with all standards and specifications, the City Engineer and Environmental Services Director shall notify the Development Services Department, in writing, of construction plan approval. If the construction plans are not consistent with the approved preliminary plat or do not comply with all standards, the Development Services Department shall notify the applicant that the construction plans are:
 - 1. Conditionally approved: construction plan approval, subject to any necessary modification which shall be indicated on the plans or attached to it in writing. or;
 - 2. Denied: construction plans shall be accompanied with a written statement outlining the reasons for such denial.
- c. No construction shall proceed without the issuance of a Notice of Commencement/Development Order from the City.

SECTION 21-165 - BONDS/SURETY DEVICES

21-165.01 - Bonds/Surety Devices

Approval of the construction plans and preliminary plat is authorization for issuance of a Notice of Commencement/Development Order to proceed with installation of any improvements required and authorization to proceed with the preparation of the final plat or unit division thereof, subject to the posting of a bond or surety device as follows:

- a. *Performance bond.* If the applicant desires to plat the proposed subdivision prior to the installation of improvements, surety in the form of a performance bond, letter of credit, trust, deed or escrow agreement approved by the City Attorney shall be delivered to the City and filed with the Clerk of the Circuit Court of Volusia County. Such surety shall be one hundred thirty percent (130%) of the cost of all required improvements, such as streets, utilities and drainage, including landfill, with estimates provided by the applicant and approved by the City Manager and the Environmental Services Director. The surety shall be conditioned upon the faithful

performance by the applicant of all work required to complete all improvements in the subdivision or unit division thereof, in compliance with these regulations and shall be payable to and for the indemnification of the City of Edgewater. Cash or a certified or cashier's check may be deposited as security for performance of the bond. Once the work is completed, certified by the regulatory agencies and accepted by the City Engineer and the Environmental Services Director, the performance bond instrument shall be released to the developer.

- b. *Maintenance bond.* A maintenance bond in the amount of ten percent (10%) of the total cost of all required street, utility and drainage improvements shall be posted as a condition to final plat approval by the City Council. Such maintenance bond will be returned to the applicant at the end of two (2) years from the date of final inspection and approval of the required improvements by the City and acceptance by the City Council.

SECTION 21-166 - FINAL DEVELOPMENT PLAN

21-166.01 - Final Development Plan

An application for Final Development Plan shall be submitted to the Development Services Department with the appropriate fee containing the information described below. Signed and sealed engineering plans and specifications as well as two (2) surveys, signed and sealed by a Florida Registered Surveyor, shall accompany the application.

- a. A final Grading and Drainage Plan showing existing and proposed contours at one foot intervals and cut and full calculations for the entire subdivision.
- b. A Landscaping and Tree Protection Plan, including landscaping and irrigation plans for all common areas; the type, location and size of any fences, walls and subdivision signs; specimen tree locations and protection measures; vegetation preservation areas and required buffer areas; and a Street Tree Plan.
- c. A Natural Resource Protection Plan, including conservation easements, areas subject to fill limitations and minimum road and building elevations.
- d. A Phasing Plan, if any, showing phase boundaries on all drawings.
- e. A Potable Water and Reuse Water Plan showing the line locations, sizes, elevations, fire hydrants and material specifications.
- f. A Sanitary Sewer Plan showing location, elevations, size, lift station locations, service laterals and specifications.
- g. A Final Street Layout Plan showing street locations by type and profile elevations, ownership, maintenance provisions for any plantings in right-of-way, approved street names and construction details.
- h. A Street Lighting Plan showing location and type of fixtures and poles.

- i. A Stormwater Management Plan showing retention/detention areas and stormwater calculations. Ownership, access and maintenance provisions, drainage facilities off-site and connection to positive outfall system and material specifications.
- j. Mandatory Homeowners Association Convents, Conditions and Restrictions, Articles of Incorporation and By-Laws.
- k. A public recreation/open space conveyance plan and/or required fees.

SECTION 21-167 - FINAL PLAT PROCEDURE

21-167.01 - Final Plat Procedure

- a. Lots shall not be sold or streets accepted for maintenance by the City, nor shall any permit be issued by the Building Official for construction of any building within any subdivision unless and until the final plat has been approved by the Planning and Zoning Board, the City Council and duly recorded by the Clerk of the Circuit Court of Volusia County. The final plat shall conform substantially to the preliminary plat and shall incorporate all modifications and revisions specified in the approval of the preliminary plat.
- b. *Application for final plat approval.* After preliminary plat approval, installation of all required improvements, posting of a maintenance bond and payment of the appropriate application and advertising fees the applicant shall submit to the Development Services Department the following:
 - 1. A letter requesting review and approval of the final plat.
 - 2. The original mylar tracing of the final plat and two (2) reproducible mylar copies.
 - 3. Five (5) printed copies of the final plat with signed certification and other documents as specified herein, and as required for recording by the Clerk of the Circuit Court of Volusia County.

21-167.02 - Planning and Zoning Board

- a. Before acting on the final plat, the Planning and Zoning Board shall receive a written staff report certifying compliance with the approved preliminary plat and the land development regulations. If substantial errors are found in the accuracy of the final plat, the applicant shall be responsible for corrections in the survey or the final plat. Any deviations from the preliminary plat shall be noted in the written staff report.
- b. The Planning and Zoning Board shall review and make a recommendation (approve, deny or approve with conditions) concerning the final plat at a public hearing.

21-167.03 - City Council

- a. If the final plat meets all the requirements of the land development regulations and complies with the approved preliminary plat, the City Council shall review and approve the final plat and indicate its approval by signature of the Mayor on the mylar copy of the plat to be recorded.
- b. If the final plat is denied by the City Council, the reasons for denial shall be stated in writing. A copy of such reasons shall be sent to the Development Services Department and to the applicant. The applicant may make the necessary changes and resubmit the final plat to the City Council for review and reconsideration.

21-167.04 - Recording of Final Plat

Upon approval of the final plat by the City Council, the original mylar tracing of the final plat shall be submitted to the City for recording with the Clerk of the Circuit Court of Volusia County.

The final plat shall be recorded prior to the sale of any lot within the subdivision. After recording, a copy of any private covenants or deed restrictions shall be provided to the Development Services Department. One reproducible copy of the final plat shall be retained by the City Clerk and one blueprint with the map book and page number shall be provided to the Development Services Department. All recording fees shall be reimbursed to the City by the applicant.

21-167.05 - Final Plat Application

The final plat shall be drawn clearly and legibly at a scale of at least one inch equals sixty feet (60'). If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet. The final plat shall comply with the requirements of Chapter 177 Florida Statutes, and contain the following:

- a. Name of subdivision.
- b. Name and address of all owners along with appropriate dedication blocks for each owner.
- c. North point, graphic scale and date.
- d. Vicinity map showing location and acreage of the subdivision.
- e. Exact boundary line of the tract determined by field survey, giving distances to the nearest one-hundredth foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not to exceed one in five thousand (5,000).
- f. Legal description of the platted property.
- g. Contiguous properties shall be identified by subdivision title, plat book and page or, if unplatted, land shall be so designated.
- h. Locations of streams, lakes, swamps and land subject to flooding.

- i. Bearing and distance to permanent points on the nearest existing street lines or bench marks or other permanent monuments (not less than three (3) shall be accurately described on the plat).
- j. Municipal and county lines shall be accurately tied to the lines of the subdivision by distance and angles when such lines transverse (traverse) or are reasonably close to the subdivision.
- k. The closest land lot corner shall be accurately tied to the lines of the subdivision by distance and angles.
- l. Location, dimensions and purposes of any land reserved or dedicated for public use.
- m. Exact locations, widths and names of all streets and alleys within and immediately adjoining the new subdivision.
- n. Street right-of-way lines showing angles of deflection, angles of intersection, radii and lines of tangents.
- o. Lot lines shall be shown with dimensions to the nearest one-hundredth foot and bearings.
- p. Lots shall be numbered in numerical order and blocks lettered alphabetically.
- q. Accurate location and description of monuments and markers shall be described on the plat.
- r. Minimum building front yard setback lines.
- s. References to recorded subdivision plats adjoining platted land shall be shown by record name, plat book and page number.
- t. Appropriate notes detailing all applicable HOA documents.
- u. Joinder and Consent to dedication by all mortgage holders.

SECTION 21-168 - FINAL PLAT REQUIREMENTS

21-168.01 - General

- a. All required improvements shall be provided by the applicant at the applicant's expense. All plans and specifications for the required improvements shall be designed by a registered professional engineer and approved by the City prior to construction.
- b. The City shall receive notice in adequate time to arrange for inspection of the improvements prior to beginning of construction and at approximate staged intervals thereafter. The City may require laboratory or field tests at the expense of the developer when appropriate. Any failure of work or materials to conform to the plans and specifications or failure to notify the City in time for indicated inspections may be cause for the City Council to reject the facilities.

- c. Permanent control points shall be set along the street right-of-way or block lines at the PC's, PT's, PRC's, PCC's and other changes in direction, excluding those points located by PRM's.
- d. A system of curbs and gutters shall be installed by the applicant, unless it can be demonstrated that the provisions of curbs and gutters at the proposed site is inconsistent with the best stormwater management practices. The width of curb and gutter shall be a minimum of twenty-four inches (24") and shall be either FDOT type or Miami Curb and Gutter, depending on flow to be handled. There shall be stabilized subgrade beneath all curbs and one foot (1') beyond the back of curb.
- e. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall not be less than the minimum standards established in the zoning ordinance. Lots on curves shall be platted to provide the minimum required lot width at the minimum building setback line. Lots in residential districts which abut arterial streets shall have a minimum depth of one hundred fifty feet (150') with a building setback line established at a minimum distance of seventy-five feet (75') from the arterial street right-of-way line unless marginal access streets are provided. Width and area of lots laid out for industrial and commercial purposes shall be adequate to provide off-street parking, loading and service facilities.
- f. Each lot shall abut on a public or approved private street for a distance of at least forty feet (40'). The subdivision shall be so designed that remnants and landlocked areas shall not be created.
- g. Side lot lines shall be, as nearly as practical, at right angles to straight street lines and radial to curved street lines. No lot shall be divided by a municipal boundary.
- h. Double frontage and through lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- i. Block lengths shall not exceed fourteen hundred feet (1,400') or be less than three hundred feet (300').

SECTION 21-169 - VARIANCES, EXCEPTIONS AND APPEALS

21-169.01 - Variances

The Planning and Zoning Board may grant a variance from the terms of this Article when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Article would result in unnecessary hardship. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of these regulations. Furthermore, such variance shall not be granted by the Planning and Zoning Board until:

- a. A written application for a variance is submitted by the applicant to the Development Services Department demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements;
 2. That the special conditions and circumstances do not result from the actions of the applicant; and
 3. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions in neighboring lands, which are contrary to these regulations, shall be considered grounds for the issuance of a variance.
- b. The Planning and Zoning Board shall make written findings that the requirements of this section have been met.
- c. The Planning and Zoning Board shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings and other improvements.
- d. The Planning and Zoning Board shall make further a finding that the granting of the variance would be in harmony with the general purpose and intent of these regulations, will not be injurious to the surrounding territory or otherwise be detrimental to the public.
- e. A public hearing on the proposed variance shall be held by the Planning and Zoning Board after due public notice. The public hearing may be held prior to or simultaneously with the public hearing for approval of the preliminary plat.
- f. The Planning and Zoning Board shall submit its written findings and recommendation to the City Council for action. In granting any variance, the City Council may prescribe appropriate conditions and safeguards in conformity with this Article. Violations of such conditions and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of this Article.

21-169.02 - Exceptions

The standards and requirements set forth in these regulations may be modified by the Planning and Zoning Board in the case of a planned unit development, group development, large-scale community development or commercial or neighborhood development which is not subdivided into customary lots, blocks and streets, which in the judgment of the Planning and Zoning Board, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and implementation of the Comprehensive Plan. In granting such modifications, the Planning and Zoning Board shall require such reasonable conditions and safeguards in conformity with this Article. Before granting such modifications, a public hearing will be held by the Planning and Zoning Board with due public notice.

21-169.03 - Appeals

Any person aggrieved by the Planning and Zoning Board's decision regarding a preliminary or final subdivision plat or the Planning and Zoning Board's decision regarding any variance or exception, may submit, in writing, an appeal to the City Council specifying grounds for appeal. Such appeal shall be noted to the City Clerk within fifteen (15) days after the action is recorded in the minutes of the Planning and Zoning Board and shall be heard within thirty (30) days after notice to the City Clerk at a regularly scheduled meeting of the City Council. The City Clerk shall give due notice of the hearing by certified mail to the applicant appealing and to the Planning and Zoning Board. The City Council may hear testimony and may sustain, alter or set aside the action of the Planning and Zoning Board.