Form 11.A.9.17

INSTRUCTIONS FOR APPLICATION FOR PLAT WAIVER

(Art. 11.A.8)

All questions in each part must be completed. When a question is not applicable to the property, enter "N/A" or other phrase indicating same. Do not leave any question blank. All attachments and enclosures requested must be secured to the application form; no staples. **For further information or assistance, call Land Development at 561-684-4090.**

Part 2.J: Subdivision Plan Requirements. The information requested consist of four (4) documents.

1. Statement Requirement of Preliminary Subdivision Plan (Art. 11.A.8.D.1 and 11.B.1). A written statement generally describing the condition of the site and the proposed development of the entire subdivision, including, but not limited to, the information required by Article 11.B.1 of the Regulations.

2. Drawing Requirement of Preliminary Subdivision Plan (Art. 11.B.1.B). A drawing on a sheet(s) no larger than twenty four (24) inches by thirty six (36) inches meeting the requirements of Article 11.B.1.B. The drawing may consist of multiple sheets provided: (a) each sheet is consecutively numbered, (b) an index is provided on the first sheet, and (c) match lines are provided and clearly labeled. Two (2) original copies of the certified drawing must accompany the application. Photocopies (24x36") of the current DRO-approved subdivision plan may be substituted for this requirement.

3. Boundary Survey Requirement. Provide a digitally-signed original pdf or one (1) original copy of a signed and sealed abstracted **Boundary Survey** in accordance with current Florida minimum technical standards, no larger than 24" x 36", showing the current, existing lot configuration including all improvements with a legal description for each lot. The drawing may contain multiple sheets provided: (a) each sheet is consecutively numbered; (b) an index is provided on the first sheet; and (c) match lines are provided and clearly labeled. Survey minimum type size 0.10".

4. Boundary Survey – Plat Waiver Requirement. Provide a digitally-signed original pdf or one (1) original copy of a signed and sealed abstracted **Boundary Survey – Plat Waiver** in accordance with current Florida minimum technical standards on 8½" x 11" sheets (required) showing the proposed configuration with lot designator(s), and showing no improvements. Make reference by note to the underlying Boundary Survey dated _____ by _____ Drawing #_____. Include abstract/title information from Boundary Survey. Each proposed lot to show its new legal description, for example: Lot A, a portion of ___ Plat Book ___ Page ___ more particularly described as (metes & bounds). Include title and abstract from Boundary Survey. Do not include an overall legal of the entire original property. Surveys consisting of multiple sheets shall meet the same criteria set forth above for a multiple-sheet Boundary Survey. The minimum type size is 0.10" for all text on the survey.

For additional information and assistance call the Survey Division at 561-684-4070.

Part 2.K: Stormwater Management Plan **(plan & written report, signed & sealed by Engineer).**

The submittal shall include a stormwater management plan of the tertiary and secondary stormwater management facilities proposed for the proper development of the subdivision. The plan shall consist of an engineering drawing, design calculations **and a written report** including all pre-development information required for a final stormwater management plan pursuant to Article 11.E.4 of the Regulations, the proposed method of drainage, estimated design water elevations, one hundred year storm elevation, description of stormwater treatment and control methods, detention/retention facility design and any special design consideration pertaining to adverse soil or ground water conditions. In cases where tertiary or secondary drainage facility improvement are neither planned nor required for compliance with the regulations, this requirement may be satisfied by so indicating in the Preliminary Subdivision Plan.

ANY DOCUMENTS REQUIRED TO BE RECORDED (E.G. DECLARATION OF COVENANTS, EASEMENTS, ETC.) **MUST** BE RECORDED IN THE PUBLIC RECORDS PRIOR TO SIGNATURE AND RECORDATION OF THE AFFIDAVIT OF WAIVER. **AN APPROVAL SHALL BE EFFECTIVE UPON RECORDATION OF THE AFFIDAVIT OF WAIVER. ALL REQUIRED RECORDATION FEES SHALL BE PAID BY THE APPLICANT.**

UNTIL RECORDATION OF THE AFFIDAVIT OF WAIVER, BUILDING PERMITS AND OTHER LAND DEVELOPMENT PERMITS SHALL **NOT** BE ISSUED.

APPLICATION FOR PLAT WAIVER

No Staples

PART 1. APPLICANT INFORMATION

A. Applicant:

1. Application made by: [ ] Owner(s) of all included property
   [ ] Agent for Owner(s) named in A.3 below

2. Applicant's name(s): If Owner, please print/type names(s) as stated on your deed or other instrument of title. If Agent, **ATTACH ORIGINAL AGENT'S AUTHORIZATION OR COPY OF RECORDED POWER OF ATTORNEY FROM ALL OWNERS.** Address given below will be used for all correspondence.
   Name: _____
   Address: _____
   City: _____ State: _____ Zip: _____

   Telephone number (to be used for telephone communications):
   ( ) _____ Fax: ( ) _____ Email: _____

3. Owner's Name (IF NOT APPLICANT): If Applicant is an Agent, state Owner's full name and address. If more than one owner, attach a sheet labeled "List of Owners" containing the following information for each owner and enter "attached" on the "Name" line below:
   Name: _____
   Address: _____
   City: _____ State: _____ Zip: _____

   Telephone: ( ) _____ Fax: ( ) _____ Email: _____

4. Evidence of Ownership: ATTACH A COPY OF RECORDED DEEDS EVIDENCING OWNERSHIP OF DEVELOPMENT/PROPERTY (as referenced in Owner's Affidavit and Covenant).

B. Developer's Engineer: (See Article 11.B.1.B of Regulations):

Engineer's Name: _____
Firm Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: ( ) _____ Fax: _____ Email: _____

PART 2. DEVELOPMENT INFORMATION

A. Proposed Development Name: _____

B. Concurrency: The Development must have a valid concurrency exemption or reservation at the time of submittal to the County Engineering Department. Attach a copy of one of the following certificates (CHECK WHICH DOCUMENT IS ATTACHED):

_____ Concurrency **Exemption** (OR) _____ Concurrency **Reservation**

-OR-

_____ **Conditional Concurrency AND**
_____ proposed developer's agreement (does not have Board's signature)
_____ approved developer's agreement (has Board's signature)

C. Type of Use:
____ Residential only (includes condominium and rental projects)
_____ Commercial or Industrial only
_____ Combination/Mixed Use

D. No. of Proposed Units/Lots:
No. of Residential Units: _____ single family _____ multi-family
No. of Lots: _____
No. of Commercial/Industrial Lots: _____

E. Location, Property Control No., & Traffic Analysis Zone(s) [TAZ]:
Section(s)/Township/Range: _____
PC No. _____ Acreage: _____ (info. to be from Property Appraiser; attach separate list if more than one PC No.)
TAZ No. applicable to the proposed development: _____

F. Type of Development: This plat waiver application is for a division:

_____ 1. to construct a single townhouse cluster pursuant to Article 11.A.8.B.1.a;

_____ 2. of no more than three (3) lots pursuant to Article 11.A.8.B.1.b;

_____ 3. of not more than eighty (80) acres into rural lots of at least ten (10) acres pursuant to Article 11.A.8.B.1.c;

_____ 4. for the purpose of combining/recombining lots into no more than three (3) lots pursuant to Article 11.A.8.B.1.d, and

_____ a. is of land which was platted prior to February 5, 1973,

-OR-

_____ b. is of land which was platted subsequent to February 5, 1973 and is for the purpose of correcting an isolated error in platting or construction;

_____ 5. in accordance with a plan of development for an Antiquated Subdivision pursuant to Article 11.A.8.B.1.e; or

_____ 6. for the purpose of recombining or resubdividing lots to meet the density requirement of the Comprehensive Plan pursuant to Article 11.A.8.B.1.f.

G. Zoning District: _____ _____ PIPDistrict
If rezoned since February, 1973: RZ (Petition) Control No. _____

H. Special Exception (when applicable): SE (Petition) Control No. _____
Type of Development: _____ PUD _____ PRD _____ MHCP _____ MHRP _____ RVP
_____ PCD _____ PID Other (Specify): _____

I. Final Subdivision Plan Approval: If use is subject to Development Review Officer Approval:
Current Approved Exhibit No. _____ Date of Approval _____

J. Subdivision Plan: SUBMIT ONE (1) COPY OF THE PRELIMINARY SUBDIVISION PLAN REQUIRED BY ARTICLE 11.B.1.B, AND MEETING THE REQUIREMENTS OF ARTICLE 11.B.1. **(See Instruction Sheet)**

Prior Approved Plan: If Subject Property is part of an approved Final Subdivision Plan:

Date of Approval: _____ Name of Development: _____

SUBMIT DIGITALLY-SIGNED ELECTRONIC (PDF) FILES OR ONE (1) ORIGINAL SIGNED/SEALED COPY OF CERTIFIED SURVEYS per Instruction Sheet.

K. Stormwater Management Plan: SUBMIT THREE (3) ORIGINALS OF THE STORMWATER MANAGEMENT PLAN MEETING THE REQUIREMENTS OF ARTICLE 11.E.4 **(See Instruction Sheet)**.

L. Subdivision Analysis For Septic Tanks: IF LOTS ARE TO UTILIZE SEPTIC TANK SYSTEMS FOR WASTEWATER DISPOSAL, SUBMIT ONE (1) COPY OF A SATISFACTORY "SUBDIVISION ANALYSIS FOR SEPTIC TANKS" FROM THE PALM BEACH COUNTY PUBLIC HEALTH UNIT, PER ARTICLE 11.B.1.B.

PART 3. DEVELOPMENT INFORMATION

A. Proposed Subdivision Name: _____

B. Final Subdivision Plan Approval:

_____ Simultaneously submitting to DRO for Final Subdivision Plan Approval

_____ Development received Final Subdivision Plan approval from DRO on _____

Property Included in Application is either:

_____ The entire Development as shown on the Final Subdivision Plan

_____ A portion of the Development specifically delineated on the Final Subdivision Plan

C. _____ The Property is shown on a plat of record, recorded in Plat Book ____ Page(s) _____

PART 4. REQUIRED IMPROVEMENTS
The applicant hereby requests that the requirement(s) of Article 11.E.1 to install the following specified required improvement(s) be waived, based on justification information provided herewith:

__X__ (1) ACCESS AND CIRCULATION SYSTEMS (Article 11.E.2), as follows:
__X__ (a) Vehicular Circulation System (Article 11.E.2.A); specifically:

__X__ (b) Pedestrian Circulation System (Article 11.E.2.B); specifically:

__X__ (2) LAND PREPARATION (Article 11.E.3); specifically:

__X__ (3) STORMWATER MANAGEMENT SYSTEM (Article 11.E.4); specifically:

__X__ (4) WASTEWATER SYSTEM (Article 11.E.5); specifically:

__X__ (5) POTABLE WATER SYSTEM (Article 11.E.6); specifically:

__X__ (6) PARKS AND RECREATION (Article 5.D and 11.E.1.C); specifically:

__X__ (7) UTILITIES (Article 11.E.7); specifically:

__X__ (8) FIRE RESCUE SERVICES (Article 11.E.8); specifically:

__X__ (9) SUBDIVISION DESIGN AND SURVEY (Article 11.E.9.A); specifically:

PART 5. JUSTIFICATION STATEMENT
ATTACH A STATEMENT OF JUSTIFICATION FOR EACH REQUIRED IMPROVEMENT FOR WHICH A WAIVER IS REQUESTED IN **PART 3**, ACCOMPANIED BY SUPPORTING EVIDENCE (RECORD DRAWINGS, APPROVED PLANS, SURVEY SKETCHES, ETC.) THAT EACH IMPROVEMENT ALREADY EXISTS OR IS BEING PROVIDED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE REQUIREMENTS.

PART 6. FILING FEE
ATTACH CHECK PAYABLE TO THE BOARD OF COUNTY COMMISSIONERS IN THE AMOUNT OF $1,530.00.

PART 7. OWNER'S AFFIDAVIT:

ENCLOSE THE EXECUTED AND NOTARIZED OWNER'S AFFIDAVIT. (NOTE: THIS WILL BE FILED CONCURRENTLY WITH THE AFFIDAVIT OF WAIVER IN THE EVENT OF APPROVAL OF THIS APPLICATION). **Please print each person's name under their signature.**

I hereby certify that the information set out in this Application is true and correct to the best of my knowledge and belief and that all attachments and required enclosures (if applicable) are attached or enclosed.

_____ Date: _____
Signature of Applicant (Print name under)

_____ Date: _____
Signature of Applicant (Print name under)

FORM 11.A.9-17C

PRELIMINARY SUBDIVISION PLAN

(Art. 11.B.1.C)

A. **Statement requirement**

The preliminary subdivision plan shall include a written statement generally describing both the existing condition of the property to be subdivided and proposed development of the subdivision. At a minimum, the statement shall include:

1. the proposed number of lots, number and type of units, typical lot size, and use of common areas, if any;
2. identification of all utility providers of facilities currently serving the site;
3. a description of existing topography and drainage characteristics, and proposed means of handling stormwater runoff;
4. general soil characteristics; and
5. identification and substance of all existing recorded easements, covenants, or restrictions applicable to the site, or any part thereof.

B. **Drawing requirement**

The preliminary subdivision plan shall include a scale drawing on a sheet(s) no larger than twenty four (24) inches by thirty six (36) inches, signed and sealed by a professional engineer or professional land surveyor, which clearly depicts the following information:

1. north arrow;
2. scale (graphic and written);
3. a vicinity sketch showing the location of the land to be subdivided in relation to local streets and least one intersection of major streets;
4. a written legal description of the land to be subdivided;
5. name, telephone number, and address of the owner;
6. date;
7. approximate acreage;
8. Zoning District classification and Land Use Plan classification of the property and abutting properties;
9. identification and description of abutting lands, including, topography, and location of existing structures within fifty (50) feet of the property line;
10. existing topography of the site, including structures, wetlands streams, lakes and canals;
11. location of existing utilities and drainage facilities within or adjacent to the property;
12. identification, alignment, and layout of all existing streets within or abutting the property, including type of travelway surfaces, travelway widths, right-of-way widths, and median locations;
13. proposed streets or other access provisions to be constructed within the property to be subdivided; and
14. proposed configuration and dimensions of lots to be created.
15. A current DRO-approved site plan may be substituted for this drawing requirement.

PREPARED BY:

Olive Bailey, P.E., Director
Land Development Division
P O Box 21229
West Palm Beach, FL 33416-1229

OWNER'S AFFIDAVIT AND COVENANT

ss: STATE OF FLORIDA
COUNTY OF PALM BEACH

AFFIDAVIT IN SUPPORT OF APPLICATION FOR PLAT WAIVER:

The undersigned, being first duly sworn, depose/s and say/s that:

1. I/We are the owner(s) of the real property described in:

_____ the deed/s recorded in Official Records Book _____, Page/s _____, hereinafter called the "Property." [*OR*]

_____ Exhibit A, attached hereto and made a part hereof, hereinafter called the "Property."

2. This Affidavit and Covenant is part of an application for plat waiver for the Property (hereafter, "application") made pursuant to the requirements of the Subdivision, Platting and Required Improvements Regulations, Article 11, Palm Beach County Land Development Code (hereafter, "the Regulations").

3. I/we will furnish the County Engineer of Palm Beach County, Florida with any and all additional information requested by him for his consideration of the application.

4. I/we understand and agree that an action of the County Engineer of Palm Beach County, Florida approving the application shall not be effective until an Affidavit of Waiver has been recorded in the Public Records, and that such Affidavit shall not be recorded until I/we have complied with certain prerequisites, particularly the recordation of any required documents and my/our execution of the Affidavit.

5. I/we hereby agree and consent to the recording of this Owner's Affidavit and Covenant concurrently with an Affidavit of Waiver in the event of approval of the application.

COVENANT:

The undersigned, as the makers of the foregoing Affidavit in Support of Application for Plat Waiver and owners of the Property described therein, hereby covenant for myself/ourselves, my/our successors and assigns, that upon recordation of an Affidavit of Waiver for the Property above-described, the Property shall be subject to, and I/we and all future owners shall be bound by, the following restrictions:

1. The subdivision and future transfer of ownership of the Property will be in accordance with recorded Affidavit of Waiver and Certified Survey attached thereto (collectively the "recorded Affidavit").

2. Any and all conditions set forth in the recorded Affidavit shall become a covenant running with the land and such desire and intent shall be further evidenced by my/our signature(s) on the Affidavit.

3. In all instruments to be recorded in the Public Records affecting the Property, the descriptions of all or any portion of the Property shall be in accordance with the recorded Affidavit and no portion of the Property shall be sold which does not conform to the lot identification(s) set forth in the recorded Affidavit.

4. A copy of the recorded Affidavit shall be given to each purchaser, lender and other parties having or to have an interest in any portion of the Property.

IN WITNESS WHEREOF, I/we have executed this Owner's Affidavit and Covenant this _____ day of _____, 20___.

WITNESSES:

_____
Witness Signature

_____
Witness Printed Name

_____
Witness Address

_____
Witness Signature

_____
Witness Printed Name

_____
Witness Address

OWNER/S:

_____

_____
Owner Printed Name

_____

_____
Owner Printed Name

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20__, by _____ and _____ who are ☐ personally known to me or who have produced _____ as identification.

WITNESS my hand and official seal this _____ day of _____, 20____.

(NOTARIAL SEAL)

Signed _____
Notary Public in and for the County and State aforementioned

_____
Typed or printed name of Notary Public

My commission expires: