

1 Introduced by Council Member Becton and Co-Sponsored by Council  
2 Member Gulliford and substituted by the Transportation, Energy and  
3 Utilities Committee: indicates correction of scrivener's error

4 Indicates words added to sub. Indicates words removed.

5 **ORDINANCE 2018-271**

6 AN ORDINANCE REGARDING CHAPTER 654 (CODE OF  
7 SUBDIVISION REGULATIONS), *ORDINANCE CODE*,  
8 AMENDING SECTION 654.110 (PROCEDURE FOR  
9 APPROVAL AND RECORDATION OF FINAL PLAT) TO  
10 REQUIRE WARRANTY OF REQUIRED IMPROVEMENTS AS A  
11 PREREQUISITE TO APPROVAL OF PLAT, AND TO  
12 REQUIRE POST CONSTRUCTION WARRANTY; AMENDING  
13 SECTION 654.111 (DESIGN STANDARDS: STREETS),  
14 TO CREATE A NEW SUBSECTION (O) TO REQUIRE A  
15 MINIMUM ROADWAY PAVING WIDTH OF 24 FEET FOR  
16 RESIDENTIAL SUBDIVISIONS IN CERTAIN ZONING  
17 DISTRICTS; AND TO CREATE A NEW SUBSECTION (P)  
18 TO REQUIRE ACCEPTANCE OF ALL NEW ROADWAYS IN  
19 DEVELOPMENTS TO BE IN A MULTI-STEP PROCESS;  
20 AMENDING SECTION 654.115 (DESIGN STANDARDS:  
21 ACCESS TO THE PUBLIC RIGHT-OF-WAY), TO REQUIRE  
22 NEW COMMERCIAL DEVELOPMENTS FRONTING COLLECTOR  
23 OR HIGHER FUNCTIONALLY CLASSIFIED ROADS TO  
24 PROVIDE FOR VEHICULAR INTERCONNECTIVITY  
25 THROUGH PARKING LOTS AND SERVICE DRIVES TO  
26 ADJACENT PROPERTIES AND REQUIRING EXISTING  
27 DEVELOPMENTS TO COME INTO COMPLIANCE UPON  
28 SUBSTANTIAL ENLARGEMENT OR IMPROVEMENT;  
29 AMENDING CHAPTER 744 (STREET CONSTRUCTION  
30 REGULATIONS), SECTION 744.110 (STREET  
31 EXCAVATIONS; WORK IN RIGHTS-OF-WAY; PERMIT;

1 VIOLATIONS, CIVIL PENALTIES, ENFORCEMENT AND  
2 ABATEMENT), *ORDINANCE CODE* TO REQUIRE WARRANTY  
3 FOR WORK TO BE COMPLETED IN THE RIGHT-OF-WAY;  
4 **PROVIDING FOR PROSPECTIVE EFFECTIVE DATE;**  
5 PROVIDING AN EFFECTIVE DATE.  
6

7 **BE IT ORDAINED** by the Council of the City of Jacksonville:

8 **Section 1. Amending Section 654.110 (Procedure for**  
9 **approval and recordation of final plat), Chapter 654 (Code of**  
10 **Subdivision Regulations), *Ordinance Code*.** Section 654.110 is  
11 hereby amended to read as follows:

12 Sec. 654.110. - Procedure for approval and recordation of  
13 final plat.

14 (a) *Title certification and real estate taxes. ~~taxes~~*. A  
15 final plat shall be accompanied by a title opinion of an attorney-  
16 at-law licensed in Florida or a certification by an abstractor or a  
17 title company, addressed to the City of Jacksonville and certified  
18 to a date within 30 days of submission, showing that record title  
19 to the land as described and shown on the plat is in the name of  
20 the person executing the dedication, if any, as it is shown on the  
21 plat and, if the plat does not contain a dedication, that the  
22 developer has record title to the land. The title opinion or  
23 certification shall also show mortgages not satisfied or released  
24 of record in accordance with F.S. § 177.041, other encumbrances,  
25 and a certificate from the developer's attorney, abstract company  
26 or the Tax Collector that taxes due and payable at, or prior to,  
27 the time the application for final approval or acceptance is filed  
28 have been paid.

29 (b) *Ownership of improvements*. Upon approval and recordation  
30 of the final plat and after the construction of required  
31 improvements has been inspected and approved by the City, JEA or

1 other approving entity, ownership of the improvements shall vest in  
2 the City, except that:

3 (1) The title to the street lighting standards shall  
4 vest in the appropriate electric utility serving the area.

5 (2) The title to water and/or sewerage system  
6 improvements located within the territory covered by a  
7 certificate of public convenience and necessity issued by the  
8 State Public Service Commission shall vest in the holder of  
9 the certificate.

10 (3) The title to water and/or sewerage system  
11 improvements in areas not covered by certificates of public  
12 convenience and necessity shall vest in the JEA where the  
13 continuing services are to be provided by the JEA, except  
14 where the interest in titles has been expressly denied by the  
15 JEA.

16 (4) The rights-of-way within the subdivision must be  
17 specifically accepted by the City for maintenance of the  
18 drainage collection system and roadways.

19 ~~(c) Application. Application for recording of the final plat~~  
20 ~~accompanied by an updated certification by the developer's attorney~~  
21 ~~or abstract company or Tax Collector and statements by the owner or~~  
22 ~~dedicator shall be submitted in writing to the Director. Fees as~~  
23 ~~required for the review of final plats shall be paid to the Tax~~  
24 ~~Collector and a receipt therefrom shall accompany the application.~~  
25 ~~The Director shall process such application as provided in the Land~~  
26 ~~Development Procedures Manual. The Director shall process an~~  
27 ~~application for final plat as provided in this Section. The Land~~  
28 ~~Development Procedures Manual and the current City Specifications~~  
29 ~~shall be updated as required to be consistent with this Section,~~  
30 ~~and Sec. 654.111. The application must be accompanied by the~~  
31 ~~following in order to be deemed complete:~~

1           (1) an updated certification by the developers attorney  
2 or abstract company or Tax Collector that taxed due and payable at,  
3 or prior to, the time the application for final approval or  
4 acceptance is filed have been paid, and statements by the owner or  
5 dedicator submitted in writing;

6           (2) proof of the warranties required in subsections (d)  
7 and (e), below; and

8           (3) a receipt from the Tax Collector showing that the  
9 fees as required for preliminary and final plat review have been  
10 paid.

11           (d) Construction of required improvements, within, or  
12 directly related to a proposed plat; ~~alternatives in lieu of~~  
13 ~~completion of required improvements,~~ warranties required.

14           In order to assure that the required improvements as depicted  
15 on a proposed plat and related approved engineering plans will be  
16 completed, a warranty ("Warranty to Complete Required  
17 Improvements") shall be provided to the City in one of the four (4)  
18 forms provided in this Section as a prerequisite to  
19 filing/recording a plat. Additionally, there shall be a warranty  
20 period after completion of the required improvements ("Post  
21 Construction Warranty Period"), pursuant to subsection 654.110(e),  
22 below.

23           The amount of the warranty for the required improvements shall  
24 be equal to one-hundred percent (100%) of the total cost of the  
25 remaining required subdivision improvements, as estimated by a  
26 licensed Florida engineer. Cost estimates for the required  
27 improvements shall be signed and sealed by the developer's engineer  
28 and approved by the Director.

29           The developer shall comply with one of the enumerated  
30 alternatives. If alternative (2), (3) or (4) is used, ~~it will~~ the  
31 warranty amount shall also include the cost of placing permanent

1 reference monuments (PRMs), as required in this Chapter, together  
2 with the survey costs incident to their proper placement.

3 ~~A developer may extend, renew or substitute collateral~~  
4 ~~described in paragraphs (2) (4) one or more times; provided, that~~  
5 ~~no extension or renewal thereof or substitute therefor shall have a~~  
6 ~~maturity or expiration date later than the time for completion of~~  
7 ~~the improvements.~~ The time for completion of the improvements shall  
8 be approved by the Director. All work conducted outside of the  
9 proposed plat as part of the proposed development, when located  
10 within the City's right-of-way, shall be subject to the security  
11 and warranty requirements of Chapter 744.110(c), and shall be  
12 incorporated into one of the enumerated alternatives listed below.

13 (1) Construction of required improvements prior to  
14 plat. In the event the developer exercises the right to  
15 construct and complete required improvements prior to approval  
16 of the final plat, the City shall automatically become vested  
17 with the right to enter upon the property to be platted for  
18 purposes of inspecting the construction of improvements during  
19 the progress of the construction. The developer's engineer  
20 shall, upon completion of the entire work on one or more units  
21 of the subdivision, furnish the Director with a written  
22 certificate of the completion accompanied by the records and  
23 data as herein prescribed. If the Director finds that the  
24 completion of the required improvements complies with these  
25 regulations, the final plat shall be approved.

26 (2) Cash deposit. The developer shall deposit with the  
27 City or place in an account subject to the control of the City  
28 cash in the form of a certified check or cashier's check. ~~in~~  
29 ~~the full amount of the total sum of the engineering and~~  
30 ~~construction costs for the installation and completion of the~~  
31 ~~required improvements.~~ If the remaining estimated cost is

1 \$1,000 or less, the developer may provide a personal check.

2 The developer shall be entitled to secure draws from the  
3 deposits or account as installation progresses at stages of  
4 construction established by the Director but not more  
5 frequently than monthly. A draw from the ~~ease~~ cash deposit or  
6 account ~~shall be made only within~~ may be made 30 days after  
7 the developer's engineer has certified to the City that the  
8 cost of improvements installed equals or exceeds the amount of  
9 the draw requested plus previous draws made and the Director  
10 has inspected the improvements and authorized the draw.

11 The Director shall have the right to reduce the amount of  
12 a requested draw to an amount he feels is justified based upon  
13 his inspection of the improvements and shall also have the  
14 right to refuse to approve a requested draw so long as the  
15 developer fails to be in compliance with any of the terms and  
16 conditions of the final plat or final engineering plans and  
17 specifications for the improvements.

18 The developer shall be entitled to receive interest  
19 earned on the deposit or account. The City, after 60 days'  
20 written notice to the developer, shall have the right to use  
21 the cash deposit or account for the completion of the  
22 improvements in the event of default by the developer or  
23 failure of the developer to complete the improvements within  
24 the time required by the Director.

25 (3) Letter of Credit. The developer shall furnish to  
26 the City a ~~personal bond secured by~~ an unconditional and  
27 irrevocable letter of credit issued by a state or national  
28 banking institution. ~~the total of engineering and construction~~  
29 ~~costs for the installation and completion of the required~~  
30 ~~improvements, which~~ The letter of credit shall be issued by a  
31 state or national banking institution to the City. ~~The letter~~

1 ~~of credit~~ and shall be in the form approved by the Office of  
2 General Counsel. During the process of construction, the  
3 Director may reduce the dollar amount of the ~~personal bond and~~  
4 letter of credit on the basis of work completed. The City,  
5 after 60 days' written notice to the developer, shall have the  
6 right to use any funds resulting from drafts on the letter of  
7 credit for the completion of the improvements in the event of  
8 default by the developer or failure of the developer to  
9 complete the improvements within the time required by the  
10 Director.

11 (4) Surety Bond. The developer shall furnish to the  
12 City a surety bond in the form and by a surety authorized to  
13 do business in the state and approved by the Office of General  
14 Counsel guaranteeing that, within the time required by the  
15 Director from final plat approval, the required work will be  
16 completed in full accordance with the final plat and all  
17 conditions attached thereto within the time for completion as  
18 approved by the Director from final plat approval., ~~copies of~~  
19 ~~which~~ Copies of the plat and all conditions shall be attached  
20 to and constitute a part of the bond agreement. ~~The bond shall~~  
21 ~~be in an amount equal to 100 percent (100%) of the sum of~~  
22 ~~engineering and construction costs.~~

23 During the process of construction, the Director may  
24 reduce the dollar amount of the bond on the basis of work  
25 completed. The City, after written notice to the developer,  
26 shall have the right to bring action or suit on the surety  
27 bond for the completion of the improvements in the event of  
28 default by the developer or failure of the developer to  
29 complete the improvements within the time required by the  
30 Director.

31 The final plat and any supplemental material shall be held in

1 escrow by the Director until the developer has fulfilled all  
2 requirements of this Chapter and the Land Development Procedures  
3 Manual. Upon completion of all such requirements to the  
4 satisfaction of the Director, or his designee, and approval by the  
5 Director of the construction of all improvements; or in lieu  
6 thereof, the posting of security as provided in ~~subsection (e) of~~  
7 this Section~~+~~, and payment by the developer of required plat  
8 recording fees to the Clerk of the Circuit Court~~+~~, the Director  
9 shall record the plat.

10 (e) **Post-Construction Warranty.** Upon the installation of the  
11 first-lift for roadways, a request may be made for acceptance of  
12 the required improvements that were secured by the Warranty to  
13 Complete the Required Improvements. The request shall be made by  
14 the person, firm or corporation seeking such acceptance who shall  
15 first furnish a good and sufficient bond (known as the Post-  
16 Construction Warranty Bond) acceptable to the City in an amount  
17 equal to fifteen percent (15%) of the total of all construction  
18 contracts issued for the required improvements that the City has  
19 accepted for maintenance, plus the cost to secure the application  
20 of the wearing surface course (final lift) as outlined in Section  
21 654.111(p). This bond may either be an amendment to the original  
22 Warranty to Complete Required Improvements bond posted at time of  
23 platting, or may be a new bond. If a new bond is posted, the  
24 original bond will be returned at the time of as-built drawing  
25 approval. The security may be provided to the City as a certified  
26 or cashier's check, an unconditional and irrevocable letter of  
27 credit, a surety bond, or combination thereof.

28 The Post-Construction Warranty Bond is to be furnished to  
29 secure the repair of the required improvements as a guarantee  
30 against faulty workmanship, construction and materials, third party  
31 damage to curb and gutter, asphalt pavement, drainage piping,

1 structures, sidewalks, and application of the final wearing surface  
2 course, pursuant to subsection 654.111(p), and other required  
3 improvements as shown on the plat during the bonding period. Said  
4 bond shall be submitted by the Applicant for both public and  
5 private subdivisions to the City for approval and forwarding to the  
6 Director and shall remain in force until released as stipulated  
7 below. If the City elects to repair and take remedial action to  
8 correct deficiencies during the warranty period, after a 60 days'  
9 written notice to the developer the cost will be drawn from the  
10 bond.

11 (f) **Release of the Post-Construction Warranty.** The developer,  
12 owner, or assign shall provide evidence annually that the Post-  
13 Construction Warranty Bond continues in force until such time that  
14 the Director authorizes its release and return. The bond shall be  
15 released upon the later of either: obtaining ninety (90) percent of  
16 the Certificates of Occupancy ("CO") within that phase; or 24 12  
17 months after the second lift (wearing course) is satisfactorily  
18 applied pursuant to subsection 654.111(p), in the applicable phase  
19 of the subdivision.

20 Two years after acceptance of the required improvements, Upon  
21 satisfactory application of the second lift, the Director may re-  
22 inspect and reduce the amount of the Post Construction Warranty  
23 bond to 15% of the actual cost of the roadway second lift. For  
24 dedicated private roadways, re-inspection and release of the Post  
25 Construction Warranty bond may be requested any time after the  
26 installation of the final wearing surface course has been  
27 completed.

28 **Section 2. Amending Section 654.111 (Design standards:**  
29 **streets), Chapter 654 (Code of Subdivision Regulations), Ordinance**  
30 **Code.** Section 654.111, *Ordinance Code*, is hereby amended to read  
31 as follows:

CHAPTER 654. CODE OF SUBDIVISION REGULATIONS

\* \* \*

Sec. 654.111 - Design standards: streets.

\* \* \*

(o) All new local streets in a residential subdivision that are adjacent to lots that are of a size allowed in a Residential Low Density - 60 ("RLD-60") zoning district or smaller, including lots of that size or smaller within a Planned Unit Development ("PUD") District, shall have a minimum paving width of twenty-four (24) feet, not including curb and gutter. However, if The paving width may be reduced to twenty (20) feet if any of the following conditions are met for that section of the road:

(1) the land is zoned as a Traditional Neighborhood Development ("TND") District, and an alley is provided relative to the street, then the dimensions for TND roadways shall apply.;

(2) a minimum of five (5) on-site parking spaces, measured pursuant to Sec. 656.607, Ordinance Code, are provided on each lot;

(3) a minimum of one (1) off-site parking space for every three (3) lots is provided no further than three hundred (300) feet away from the furthest lot; and

(4) at least one side of the road shall be designated as "No Parking" with either signs, striping, curb painting, or a combination thereof, as approved by the Planning and Development Department.

(p) A two-lift pavement system with regard to application of the wearing surface is required for all new local roads. Tack (prime) coat shall be required for multiple lifts.

1 All infrastructure and the base course shall be  
2 constructed in accordance with applicable Subdivision  
3 Regulations and the warranty requirements of Section  
4 654.110, however, the wearing surface course application  
5 shall be delayed in each phase of a single family or  
6 multi-family residential development until either:

7 (1) eighty percent (80%) of the units in that phase have  
8 received a Certificate of Occupancy; or

9 (2) two (2) years have passed since the first Certificate  
10 of Occupancy was issued in that phase.

11 To prevent unnecessary damage on accepted roadways,  
12 either public or private, temporary access for heavy  
13 construction vehicles and equipment (weighing 10,000  
14 pounds or greater) shall be provided to each phase  
15 subsequent to the first phase of a development project in  
16 such a manner as to prohibit construction traffic on any  
17 accepted subsequent phase until the application of the  
18 second lift of asphalt has been completed. If in the  
19 opinion of the developer and the Department no temporary  
20 access roadway can reasonably be provided, and the second  
21 lift is constructed, then the re-inspection request shall  
22 be delayed until the earlier of such time that the heavy  
23 construction traffic ceases, or if 90% of the  
24 Certificates of Occupancy have been issued.

25 **Section 2. Amending Section 654.115 (Design standards:**  
26 **streets), Chapter 654 (Code of Subdivision Regulations), Ordinance**  
27 **Code.** Section 654.115, *Ordinance Code*, is hereby amended to read  
28 as follows:

29 **CHAPTER 654. CODE OF SUBDIVISION REGULATIONS**

30 \* \* \*



1 General Counsel, shall be filed in the public  
2 records of Duval County to provide notice to  
3 prospective buyers of properties subject to this  
4 Section.

5 (A) If a service drive does not exist, a stub out  
6 shall be constructed in order to connect when  
7 the adjacent property or properties come into  
8 compliance. Until the adjacent property is  
9 developed to connect to the stub out, the stub  
10 out may be used for extra parking. The  
11 connection points of adjacent properties may  
12 be relocated as approved by the Planning and  
13 Development Department.

14 (B) Existing commercial or office use developments  
15 in place on the date of adoption of this  
16 interconnectivity requirement that do not  
17 contain the interconnectivity as required by  
18 this Section, shall be brought into compliance  
19 with this requirement under the following  
20 conditions:

21 (i) When a new driveway connection permit is  
22 required for the existing development:

23 (ii) When substantial enlargements or  
24 improvements to the existing development  
25 are undertaken. "Substantial" means  
26 within any three-year period, when the  
27 total cumulative renovation of existing  
28 development is equal to at least 50  
29 percent of the assessed value of the lot  
30 improvements (including structures and  
31 parking and exterior areas but not the





1 applicant shall meet the following requirements for surety.  
2 The applicant for a permit required by this Section shall, at  
3 the time of applying for a permit, file or have on file with  
4 the Director of Public Works an annual surety bond, or shall  
5 provide either: (1) a cash deposit, or (2) an unconditional  
6 and irrevocable letter of credit, which shall be effective for  
7 one year in the penal sum of \$5,000 in a form approved by the  
8 Office of General Counsel, so as to insure prompt payment of  
9 loss, damage, cost and expense that may be incurred by the  
10 City or an adjoining property owner in connection with the  
11 work, including cost of erecting and maintaining warning  
12 signals, barricades or other preventive measures to eliminate  
13 safety hazards and maintain traffic flow, by reason of the  
14 failure of the applicant to restore or repair damage to a  
15 public road, right-of-way or easement of the City or the  
16 failure of the applicant to comply with this Section and the  
17 conditions of the permit. The allowable forms of security are  
18 outlined further in subsection 654.110(d), *Ordinance Code*.

19 When the request is made for acceptance of the required  
20 improvements, the applicant shall provide security to the  
21 City, in one of the forms stated above, guaranteeing and  
22 warranting the workmanship and materials for a period of one  
23 (1) year from the date of completion of all work performed  
24 pursuant to the permit.

25 (2) For work conducted in the right of way which is  
26 1,000 linear feet or greater in scope, or is part of proposed  
27 off-site improvement associated with approved development, the  
28 applicant shall meet the following requirements for surety.

29 The applicant for a permit required by this Section shall, at  
30 the time of applying for a permit, file or have on file with  
31 the Director of Public Works an annual surety bond, ~~or~~

1 ~~personal bond secured by~~ or either: (1) a cash deposit, or (2)  
2 an unconditional and irrevocable letter of credit, which shall  
3 be effective for one year, in the penal sum of \$5,000 in the  
4 amount equal to one-hundred percent (100%) of the estimated  
5 total cost of the required improvements, as provided by the  
6 developer's State of Florida licensed engineer and approved by  
7 the Director. The surety bond and the letter of credit shall  
8 be in a form approved by the Office of General Counsel, so as  
9 to insure prompt payment of loss, damage, cost and expense  
10 that may be incurred by the City or an adjoining property  
11 owner in connection with the work, including cost of erecting  
12 and maintaining warning signals, barricades or other  
13 preventive measures to eliminate safety hazards and maintain  
14 traffic flow, by reason of the failure of the applicant to  
15 restore or repair damage to a public road, right-of-way or  
16 easement of the City or the failure of the applicant to comply  
17 with this Section and the conditions of the permit. The surety  
18 bond shall be enforceable by and payable to the City. During  
19 the process of construction, the Director may reduce the  
20 dollar amount of the bond, allow draws from the cash deposit,  
21 and allow reduction of the penal amount of the letter of  
22 credit on the basis of work completed, but in no case shall  
23 the reductions allowed provide for less than 15% of the total  
24 estimated cost of the improvement as security for the City.

25 When the request is made for acceptance of the required  
26 improvements, the applicant shall provide security a general  
27 warranty to the City in the amount equal to fifteen percent  
28 (15%) of the actual total cost of the improvements, in a form  
29 approved by the Office of General Counsel, guaranteeing and  
30 warranting the workmanship and materials for a period of one  
31 (1) year from the date of completion of all work performed

1 pursuant to the permit. The allowable forms of security are  
2 outlined further in subsection 654.110(d), Ordinance Code, and  
3 shall be enforceable by and payable to the City.

4 \* \* \*

5 **Section 4. Prospective Effective Date for changes to Sec.**  
6 **654.110 and Sec. 654.111, Ordinance Code.** The new requirements  
7 contained within this ordinance 2018-271-E shall not be enforced  
8 until sixty (60) days after the Effective Date of this ordinance,  
9 and all construction plans submitted for 10-set review to the  
10 Planning and Development Department prior to sixty (60) days from  
11 the Effective Date shall be reviewed based upon the previous  
12 version of the Ordinance Code.

13 **Section 5. Effective Date.** This ordinance shall become  
14 effective upon signature by the Mayor or upon becoming effective  
15 without the Mayor's signature.

16  
17 Form Approved:

18  
19 \_\_\_\_\_  
20 Office of General Counsel

21 Legislation Prepared By: Susan C. Grandin

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