

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Transportation, Energy, and Utilities Committee, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2018-271

AN ORDINANCE REGARDING CHAPTER 654 (CODE OF SUBDIVISION REGULATIONS), ORDINANCE CODE, AMENDING SECTION 654.110 (PROCEDURE FOR APPROVAL AND RECORDATION OF FINAL PLAT) TO REQUIRE WARRANTY OF REQUIRED IMPROVEMENTS AS A PREREQUISITE TO APPROVAL OF PLAT, AND TO REQUIRE POST CONSTRUCTION WARRANTY; AMENDING SECTION 654.111 (DESIGN STANDARDS: STREETS), TO CREATE A NEW SUBSECTION (O) TO REQUIRE A MINIMUM ROADWAY PAVING WIDTH OF 24 FEET FOR RESIDENTIAL SUBDIVISIONS IN CERTAIN ZONING DISTRICTS; AND TO CREATE A NEW SUBSECTION (P) TO REQUIRE ACCEPTANCE OF ALL NEW ROADWAYS IN DEVELOPMENTS TO BE IN A MULTI-STEP PROCESS; AMENDING SECTION 654.115 (DESIGN STANDARDS: ACCESS TO THE PUBLIC RIGHT-OF-WAY), TO REQUIRE NEW COMMERCIAL DEVELOPMENTS FRONTING COLLECTOR OR HIGHER FUNCTIONALLY CLASSIFIED ROADS TO PROVIDE FOR VEHICULAR INTERCONNECTIVITY THROUGH PARKING LOTS AND SERVICE DRIVES TO ADJACENT PROPERTIES AND REQUIRING EXISTING DEVELOPMENTS TO COME INTO COMPLIANCE UPON SUBSTANTIAL ENLARGEMENT OR IMPROVEMENT; AMENDING CHAPTER 744 (STREET CONSTRUCTION REGULATIONS), SECTION 744.110 (STREET EXCAVATIONS; WORK IN RIGHTS-OF-WAY; PERMIT; VIOLATIONS, CIVIL PENALTIES, ENFORCEMENT AND ABATEMENT), ORDINANCE CODE TO REQUIRE WARRANTY FOR WORK TO BE COMPLETED IN THE RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

This bill amends Section 654.111, Chapter 654 Ordinance Code to include two new subsections: subsection "o" will require a minimum roadway width of 24 feet for residential subdivisions in certain zoning districts, subsection "p" will require a phased acceptance of roadways in residential developments in a multi-step process (after eighty percent of the lots in the residential subdivision have been completed) as outlined by the Public Works Department to prevent road damage.

This bill also amends Section 654.115 Chapter 654, Ordinance Code to require commercial developments which front collector or higher functionally classified roads to provide for vehicular interconnectivity through parking lots and service roads and require interconnectivity compliance for existing developments.

II. EVALUATION

A. The need and justification for the change

The purpose of this legislation is to adjust design standards for subdivision roadways in residential subdivisions that are adjacent to lots that are of a size allowed in a Residential Low Density – 60 zoning district or smaller, and lots of that size or smaller within a Planned Unit Development District. By creating a multi-step process for residential road developments based on lot completion, road damage from construction vehicles will be minimized as will the inconvenience (caused by road work) for residents. The change in design standards for commercial developments will reduce traffic congestion and reduce safety hazards for drivers.

B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Comprehensive Plan.

This bill is consistent with the spirit and intent of the Comprehensive Plan in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville.

C. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent with regard to this topic.

III. RECOMMENDATIONS

Should **Ordinance 2018-271** be approved, the Planning and Development Department finds that the change does not conflict with any provision of the Code of Subdivision Regulations or Comprehensive Plan.

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1 Introduced by Council Member Becton and Co-Sponsored by Council
2 Member Gulliford and substituted by the Transportation, Energy and
3 Utilities Committee:

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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 AN EFFECTIVE DATE.
5

6 BE IT ORDAINED by the Council of the City of Jacksonville:

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

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

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

28 (b) *Ownership of improvements.* Upon approval and recordation
29 of the final plat and after the construction of required
30 improvements has been inspected and approved by the City, JEA or
31 other approving entity, ownership of the improvements shall vest in

1 the City, except that:

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

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

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

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

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

30 (1) an updated certification by the developers attorney
31 or abstract company or Tax Collector that taxed due and payable at,

1 or prior to, the time the application for final approval or
2 acceptance is filed have been paid, and statements by the owner or
3 dedicator submitted in writing;

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

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

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

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

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

27 The developer shall comply with one of the enumerated
28 alternatives. If alternative (2), (3) or (4) is used, ~~it will~~ the
29 warranty amount shall also include the cost of placing permanent
30 reference monuments (PRMs), as required in this Chapter, together
31 with the survey costs incident to their proper placement.

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

11 (1) Construction of required improvements prior to plat.

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

24 (2) Cash deposit. The developer shall deposit with the
25 City or place in an account subject to the control of the City
26 cash in the form of a certified check or cashier's check, ~~in~~
27 ~~the full amount of the total sum of the engineering and~~
28 ~~construction costs for the installation and completion of the~~
29 ~~required improvements. If the remaining estimated cost is~~
30 ~~\$1,000 or less, the developer may provide a personal check.~~

31 The developer shall be entitled to secure draws from the

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

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

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

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

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

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

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

29 The final plat and any supplemental material shall be held in
30 escrow by the Director until the developer has fulfilled all
31 requirements of this Chapter and the Land Development Procedures

1 Manual. Upon completion of all such requirements to the
2 satisfaction of the Director, or his designee, and approval by the
3 Director of the construction of all improvements; or in lieu
4 thereof, the posting of security as provided in ~~subsection (e)~~ of
5 this Section^{7.1} and payment by the developer of required plat
6 recording fees to the Clerk of the Circuit Court^{7.1} the Director
7 shall record the plat.

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

26 The Post-Construction Warranty Bond is to be furnished to
27 secure the repair of the required improvements as a guarantee
28 against faulty workmanship, construction and materials, third party
29 damage to curb and gutter, asphalt pavement, drainage piping,
30 structures, sidewalks, and application of the final wearing surface
31 course, pursuant to subsection 654.111(p), and other required

1 improvements as shown on the plat during the bonding period. Said
2 bond shall be submitted by the Applicant for both public and
3 private subdivisions to the City for approval and forwarding to the
4 Director and shall remain in force until released as stipulated
5 below. If the City elects to repair and take remedial action to
6 correct deficiencies during the warranty period, the cost will be
7 drawn from the bond after a 60 days' written notice to the
8 developer.

9 (f) *Release of the Post-Construction Warranty.* The developer,
10 owner, or assign shall provide evidence annually that the Post-
11 Construction Warranty Bond continues in force until such time that
12 the Director authorizes its release and return. The bond shall be
13 released upon the later of either: obtaining ninety (90) percent of
14 the Certificates of Occupancy ("CO") within that phase; or 24
15 months after the second lift (wearing course) is satisfactorily
16 applied pursuant to subsection 654.111(p), in the applicable phase
17 of the subdivision. Two years after acceptance of the required
18 improvements, the Director may reduce the amount of the Post
19 Construction Warranty bond to 15% of the cost of the roadway. For
20 dedicated private roadways, re-inspection and release of the Post
21 Construction Warranty bond may be requested any time after the
22 installation of the final wearing surface course has been
23 completed.

24 **Section 2. Amending Section 654.111 (Design standards:**
25 **streets), Chapter 654 (Code of Subdivision Regulations), Ordinance**
26 **Code. Section 654.111, Ordinance Code, is hereby amended to read**
27 **as follows:**

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

29 * * *

30 **Sec. 654.111 - Design standards: streets.**

31 * * *

1 (o) All new local streets in a residential subdivision that
2 are adjacent to lots that are of a size allowed in a
3 Residential Low Density - 60 ("RLD-60") zoning district
4 or smaller, including lots of that size or smaller within
5 a Planned Unit Development ("PUD") District, shall have a
6 minimum paving width of twenty-four (24) feet, not
7 including curb and gutter. However, if the land is zoned
8 as a Traditional Neighborhood Development ("TND")
9 District, then the dimensions for TND roadways shall
10 apply.

11 (p) A two-lift pavement system with regard to application of
12 the wearing surface is required for all new local roads.
13 Tack (prime) coat shall be required for multiple lifts.
14 All infrastructure and the base course shall be
15 constructed in accordance with applicable Subdivision
16 Regulations and the warranty requirements of Section
17 654.110, however, the wearing surface course application
18 shall be delayed in each phase of a single family or
19 multi-family residential development until either:
20 (1) eighty percent (80%) of the units in that phase have
21 received a Certificate of Occupancy; or
22 (2) two (2) years have passed since the first Certificate
23 of Occupancy was issued in that phase.

24 To prevent unnecessary damage on accepted roadways,
25 either public or private, temporary access for heavy
26 construction vehicles and equipment (weighing 10,000
27 pounds or greater) shall be provided to each phase
28 subsequent to the first phase of a development project in
29 such a manner as to prohibit construction traffic on any
30 accepted subsequent phase until the application of the
31 second lift of asphalt has been completed. If no

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1 temporary access roadway can be provided, and the second
2 lift is constructed, then the re-inspection request shall
3 be delayed until such time that the heavy construction
4 traffic ceases.

5 Section 2. Amending Section 654.115 (Design standards:
6 streets), Chapter 654 (Code of Subdivision Regulations), Ordinance
7 Code. Section 654.115, Ordinance Code, is hereby amended to read
8 as follows:

9 CHAPTER 654. CODE OF SUBDIVISION REGULATIONS

10 * * *

11 Sec. 654.115 - Design standards: access to the public right-
12 of-way.

13 * * *

14 ~~(f) Access to nonresidential parcels. The following~~
15 ~~provisions shall be observed when providing access to~~
16 ~~nonresidential parcels:~~

17 ~~(1) Where a nonresidential subdivision abuts or contains~~
18 ~~a designated major arterial a service drive shall be~~
19 ~~constructed to connect with the service drive of~~
20 ~~adjacent properties unless otherwise approved by the~~
21 ~~Director, or his or her designee. If adjacent~~
22 ~~service drives do not exist, construction of such~~
23 ~~drives shall be a credit used to offset and mitigate~~
24 ~~a development's traffic impact for the purposes of~~
25 ~~concurrency.~~

26 (f) Access to commercial and office use parcels. The
27 following provisions shall be observed when providing
28 access to commercial and office use parcels:

29 (1) Where a commercial or office use development abuts
30 or contains a designated collector or higher
31 functionally classified roadway, a service or access

1 drive, lane or way ("service drive") shall be
2 constructed to connect the properties adjacent to
3 the collector or higher functionally classified
4 roadway in order to provide for interconnectivity of
5 traffic flow through and along parking lots and
6 access roads leading to and from adjacent commercial
7 or office use developments without the need to
8 access the collector or higher classified roadway.
9 A restrictive covenant regarding the requirement for
10 interconnectivity, as approved by the Office of
11 General Counsel, shall be filed in the public
12 records of Duval County to provide notice to
13 prospective buyers of properties subject to this
14 Section.

15 (A) If a service drive does not exist, a stub out
16 shall be constructed in order to connect when
17 the adjacent property or properties come into
18 compliance. Until the adjacent property is
19 developed to connect to the stub out, the stub
20 out may be used for extra parking. The
21 connection points of adjacent properties may
22 be relocated as approved by the Planning and
23 Development Department.

24 (B) Existing commercial or office use developments
25 in place on the date of adoption of this
26 interconnectivity requirement that do not
27 contain the interconnectivity as required by
28 this Section, shall be brought into compliance
29 with this requirement under the following
30 conditions:

1 (i) When a new driveway connection permit is
2 required for the existing development;

3 (ii) When substantial enlargements or
4 improvements to the existing development
5 are undertaken. "Substantial" means
6 within any three-year period, when the
7 total cumulative renovation of existing
8 development is equal to at least 50
9 percent of the assessed value of the lot
10 improvements (including structures and
11 parking and exterior areas but not the
12 value of the land) on the start of the
13 three-year period, according to the
14 Property Appraiser, or the total square
15 footage of a structure is expanded to 50
16 percent or greater, as well as any
17 cumulative square footage expansions
18 totaling 50 percent;

19 (iii) When a 25% or greater increase in
20 vehicle trip generation is attributable
21 to the new development, as compared to
22 the existing development, is documented;
23 or

24 (iv) If the principal activity on the property
25 is discontinued for a consecutive period
26 of 365 days.

27 (2) The construction or erection of any barrier or
28 obstacle which would prohibit access to the service
29 drive from a site's major parking area or prohibit
30 sharing access drives for interconnectivity with
31 adjacent properties shall be prohibited. This

1 provision is not to conflict with or exempt a
2 developer from complying with landscape and tree
3 protection regulations.

4 (3) Specific exemptions to, or abatement of, this
5 provision may be granted by the Director, or his or
6 her designee when the following conditions occur:

7 (A) physical constraints on a currently developed
8 property prohibit the construction of a service
9 drive which meets the City's design and clear zone
10 standards; or

11 (B) the parcel required to provide interconnectivity
12 requests an abatement based upon the use of the
13 adjacent property as inconsistent with the character
14 of the use requesting the delay. Inconsistent uses
15 include adult entertainment facilities, dancing
16 entertainment establishments, an establishment or
17 facility which includes the retail sale and service
18 of all alcoholic beverages including liquor, beer or
19 wine for on-premises consumption or off-premises
20 consumption or both that is not in conjunction with
21 a restaurant, and similar uses. However, the area
22 for the connection must be set aside and clearly
23 noted on the site plan submitted as part of the 10-
24 set review as being reserved specifically for
25 interconnectivity, and upon termination of the
26 inconsistent use, then the requirement to connect is
27 established, and the abatement ends.

28 * * *

29 Section 3. Amending Sec. 744.110 (Street excavations;
30 work in rights-of-way; permit; violations, civil penalties,
31 enforcement and abatement), Chapter 744 (Street Construction

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1 Regulations), *Ordinance Code*. Sec. 744.110 (Street excavations;
2 work in rights-of-way; permit; violations, civil penalties,
3 enforcement and abatement) is hereby amended to read as follows:
4 Sec. 744.110 (Street excavations; work in rights-of-way; permit;
5 violations, civil penalties, enforcement and abatement).

6 * * *

7 (c)

8 (1) For work conducted in the right of way which is less
9 than 1,000 linear feet in scope, or is not part of proposed
10 off-site improvement associated with approved development, the
11 applicant shall meet the following requirements for surety.
12 The applicant for a permit required by this Section shall, at
13 the time of applying for a permit, file or have on file with
14 the Director of Public Works an annual surety bond, or shall
15 provide either: (1) a cash deposit, or (2) an unconditional
16 and irrevocable letter of credit, which shall be effective for
17 one year in the penal sum of \$5,000 in a form approved by the
18 Office of General Counsel, so as to insure prompt payment of
19 loss, damage, cost and expense that may be incurred by the
20 City or an adjoining property owner in connection with the
21 work, including cost of erecting and maintaining warning
22 signals, barricades or other preventive measures to eliminate
23 safety hazards and maintain traffic flow, by reason of the
24 failure of the applicant to restore or repair damage to a
25 public road, right-of-way or easement of the City or the
26 failure of the applicant to comply with this Section and the
27 conditions of the permit. The allowable forms of security are
28 outlined further in subsection 654.110(d), *Ordinance Code*.

29 When the request is made for acceptance of the required
30 improvements, the applicant shall provide security to the
31 City, in one of the forms stated above, guaranteeing and

1 warranting the workmanship and materials for a period of one
2 (1) year from the date of completion of all work performed
3 pursuant to the permit.

4 (2) For work conducted in the right of way which is
5 1,000 linear feet or greater in scope, or is part of proposed
6 off-site improvement associated with approved development, the
7 applicant shall meet the following requirements for surety.
8 The applicant for a permit required by this Section shall, at
9 the time of applying for a permit, file or have on file with
10 the Director of Public Works an annual surety bond, ~~or~~
11 ~~personal bond secured by~~ or either: (1) a cash deposit, or (2)
12 an unconditional and irrevocable letter of credit, which shall
13 be effective for one year, ~~in the penal sum of \$5,000~~ in the
14 amount equal to one-hundred percent (100%) of the estimated
15 total cost of the required improvements, as provided by the
16 developer's State of Florida licensed engineer and approved by
17 the Director. The surety bond and the letter of credit shall
18 be in a form approved by the Office of General Counsel, so as
19 to insure prompt payment of loss, damage, cost and expense
20 that may be incurred by the City or an adjoining property
21 owner in connection with the work, including cost of erecting
22 and maintaining warning signals, barricades or other
23 preventive measures to eliminate safety hazards and maintain
24 traffic flow, by reason of the failure of the applicant to
25 restore or repair damage to a public road, right-of-way or
26 easement of the City or the failure of the applicant to comply
27 with this Section and the conditions of the permit. The surety
28 bond shall be enforceable by and payable to the City. During
29 the process of construction, the Director may reduce the
30 dollar amount of the bond, allow draws from the cash deposit,
31 and allow reduction of the penal amount of the letter of

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credit on the basis of work completed, but in no case shall the reductions allowed provide for less than 15% of the total estimated cost of the improvement as security for the City.

When the request is made for acceptance of the required improvements, the applicant shall provide security a general warranty to the City in the amount equal to fifteen percent (15%) of the actual total cost of the improvements, in a form approved by the Office of General Counsel, guaranteeing and warranting the workmanship and materials for a period of one (1) year from the date of completion of all work performed pursuant to the permit. The allowable forms of security are outlined further in subsection 654.110(d), Ordinance Code, and shall be enforceable by and payable to the City.

* * *

Section 4. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Susan C. Grandin

Office of General Counsel

Legislation Prepared By: Susan C. Grandin

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