

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

The Planning and Development Department recommends that **Ordinance 2018-271** be **approved**.

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

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 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 and the current City Specifications~~
28 ~~shall be updated as required to be consistent with this Section,~~
29 ~~and Sec. 654.111.~~ The application must be accompanied by the
30 following in order to be deemed complete:

31 (1) an updated certification by the developers attorney

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

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

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

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

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

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

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

1 with the survey costs incident to their proper placement.

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

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

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

25 (2) Cash deposit. The developer shall deposit with the
26 City or place in an account subject to the control of the City
27 cash in the form of a certified check or cashier's check. ~~in~~
28 ~~the full amount of the total sum of the engineering and~~
29 ~~construction costs for the installation and completion of the~~
30 ~~required improvements.~~ If the remaining estimated cost is
31 \$1,000 or less, the developer may provide a personal check.

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

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

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

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

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

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

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

30 The final plat and any supplemental material shall be held in
31 escrow by the Director until the developer has fulfilled all

1 requirements of this Chapter and the Land Development Procedures
2 Manual. Upon completion of all such requirements to the
3 satisfaction of the Director, or his designee, and approval by the
4 Director of the construction of all improvements; or in lieu
5 thereof, the posting of security as provided in ~~subsection (e) of~~
6 this Section⁷, and payment by the developer of required plat
7 recording fees to the Clerk of the Circuit Court⁷, the Director
8 shall record the plat.

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

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

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

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

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

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

31 **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 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.

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

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

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

To prevent unnecessary damage on accepted roadways, either public or private, temporary access for heavy construction vehicles and equipment (weighing 10,000 pounds or greater) shall be provided to each phase subsequent to the first phase of a development project in

1 such a manner as to prohibit construction traffic on any
2 accepted subsequent phase until the application of the
3 second lift of asphalt has been completed. If in the
4 opinion of the developer and the Department no temporary
5 access roadway can reasonably be provided, and the second
6 lift is constructed, then the re-inspection request shall
7 be delayed until the earlier of such time that the heavy
8 construction traffic ceases, or if 90% of the
9 Certificates of Occupancy have been issued.

10 Section 2. Amending Section 654.115 (Design standards:
11 streets), Chapter 654 (Code of Subdivision Regulations), Ordinance
12 Code. Section 654.115, Ordinance Code, is hereby amended to read
13 as follows:

14 CHAPTER 654. CODE OF SUBDIVISION REGULATIONS

15 * * *

16 Sec. 654.115 - Design standards: access to the public right-
17 of-way.

18 * * *

19 ~~(f) Access to nonresidential parcels. The following~~
20 ~~provisions shall be observed when providing access to~~
21 ~~nonresidential parcels:~~

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

1 (f) Access to commercial and office use parcels. The
2 following provisions shall be observed when providing
3 access to commercial and office use parcels:

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

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

30 (B) Existing commercial or office use developments
31 in place on the date of adoption of this

1 interconnectivity requirement that do not
2 contain the interconnectivity as required by
3 this Section, shall be brought into compliance
4 with this requirement under the following
5 conditions:

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

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

24 (iii) When a 25% or greater increase in
25 vehicle trip generation is attributable
26 to the new development, as compared to
27 the existing development, is documented;
28 or

29 (iv) If the principal activity on the property
30 is discontinued for a consecutive period
31 of 365 days.

1 (2) The construction or erection of any barrier or
2 obstacle which would prohibit access to the service
3 drive from a site's major parking area or prohibit
4 sharing access drives for interconnectivity with
5 adjacent properties shall be prohibited. This
6 provision is not to conflict with or exempt a
7 developer from complying with landscape and tree
8 protection regulations.

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

12 (A) physical constraints on a currently developed
13 property prohibit the construction of a service
14 drive which meets the City's design and clear zone
15 standards; or

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

1 inconsistent use, then the requirement to connect is
2 established, and the abatement ends.

3 * * *

4 Section 3. Amending Sec. 744.110 (Street excavations;
5 work in rights-of-way; permit; violations, civil penalties,
6 enforcement and abatement), Chapter 744 (Street Construction
7 Regulations), Ordinance Code. Sec. 744.110 (Street excavations;
8 work in rights-of-way; permit; violations, civil penalties,
9 enforcement and abatement) is hereby amended to read as follows:
10 Sec. 744.110 (Street excavations; work in rights-of-way; permit;
11 violations, civil penalties, enforcement and abatement).

12 * * *

13 (c)

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

1 failure of the applicant to comply with this Section and the
2 conditions of the permit. The allowable forms of security are
3 outlined further in subsection 654.110(d), Ordinance Code.

4 When the request is made for acceptance of the required
5 improvements, the applicant shall provide security to the
6 City, in one of the forms stated above, guaranteeing and
7 warranting the workmanship and materials for a period of one
8 (1) year from the date of completion of all work performed
9 pursuant to the permit.

10 (2) For work conducted in the right of way which is
11 1,000 linear feet or greater in scope, or is part of proposed
12 off-site improvement associated with approved development, the
13 applicant shall meet the following requirements for surety.

14 The applicant for a permit required by this Section shall, at
15 the time of applying for a permit, file or have on file with
16 the Director of Public Works an annual surety bond, ~~or~~
17 ~~personal bond secured by~~ or either: (1) a cash deposit, or (2)
18 an unconditional and irrevocable letter of credit, which shall
19 be effective for one year, ~~in the penal sum of \$5,000~~ in the
20 amount equal to one-hundred percent (100%) of the estimated
21 total cost of the required improvements, as provided by the
22 developer's State of Florida licensed engineer and approved by
23 the Director. The surety bond and the letter of credit shall
24 be in a form approved by the Office of General Counsel, so as
25 to insure prompt payment of loss, damage, cost and expense
26 that may be incurred by the City or an adjoining property
27 owner in connection with the work, including cost of erecting
28 and maintaining warning signals, barricades or other
29 preventive measures to eliminate safety hazards and maintain
30 traffic flow, by reason of the failure of the applicant to
31 restore or repair damage to a public road, right-of-way or

1 easement of the City or the failure of the applicant to comply
2 with this Section and the conditions of the permit. The surety
3 bond shall be enforceable by and payable to the City. During
4 the process of construction, the Director may reduce the
5 dollar amount of the bond, allow draws from the cash deposit,
6 and allow reduction of the penal amount of the letter of
7 credit on the basis of work completed, but in no case shall
8 the reductions allowed provide for less than 15% of the total
9 estimated cost of the improvement as security for the City.

10 When the request is made for acceptance of the required
11 improvements, the applicant shall provide security a general
12 warranty to the City in the amount equal to fifteen percent
13 (15%) of the actual total cost of the improvements, in a form
14 approved by the Office of General Counsel, guaranteeing and
15 warranting the workmanship and materials for a period of one
16 (1) year from the date of completion of all work performed
17 pursuant to the permit. The allowable forms of security are
18 outlined further in subsection 654.110(d), Ordinance Code, and
19 shall be enforceable by and payable to the City.

20 * * *

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

24
25 Form Approved:

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27 _____
28 Office of General Counsel

29 Legislation Prepared By: Susan C. Grandin

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