

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING MANDATORY LAND DEVELOPMENT REGULATIONS WITHIN THE CITY OF WESTLAKE; PROVIDING FOR PURPOSE AND INTENT; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS”, PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County’s comprehensive plan shall be deemed controlling, until the City of Westlake adopts its own comprehensive plan; and

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City’s initial comprehensive plan in compliance; and

WHEREAS, the purpose of this ordinance is to promote the health, safety, welfare, and well-being of the community establish rules, regulations and guidelines regarding commercial, non-residential and residential developments within the corporate limits of the City of Westlake, and

WHEREAS, guidelines are required for the subdivision of lands for platting, site development, utilities, drainage and stormwater for all new development, redevelopment and expansion of existing developments in a manner that will promote the health, safety, welfare, and well-being of the community and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, as follows:

Section 1. Incorporation: The above recitals are confirmed, adopted and are incorporated herein and made a part hereof by this reference.

Section 2. Establishment of Land Development Standards: The Code of Ordinances for the City of Westlake shall contain a chapter entitled “Land Development Standards” which code shall contain the provisions as specifically set forth herein.

CHAPTER 5 Subdivision of Land and Site Development Standards

ARTICLE 1 APPLICABILITY AND GENERAL REQUIREMENTS

Section 5.1: Applicability Generally. The regulations set forth in this chapter shall be applicable to all subdivision of land in the City, or as hereafter established. All requests for plats, plat waivers, or any other permit, approval, or decision authorized by this Chapter will be reviewed by both the City and SID, and these reviews may be carried out concurrently, and according to the rules, authority and jurisdiction of each entity. As described in Article 1.9, the City and SID each have discrete powers and responsibilities pursuant to the City of Westlake Charter and the Interlocal Agreement between the City and SID dated February 2018 (Interlocal Agreement) concerning the exercise of those powers and responsibilities. The

standards in this Chapter may reference both the City and SID. Where SID and the City are both identified in the same provision, it is not the intention of these land development regulations to grant, nor should these land development regulations be construed as granting, either entity jurisdiction or responsibility different than that enumerated in the Charter and the Interlocal Agreement.

Section 5.2: Platting requirement. Any developer or applicant planning to subdivide land shall record a Plat in accordance with the requirements of this chapter unless such requirement is specifically waived by the City Engineer in accordance with the provisions of **Sec. 5.15** through **5.17**.

Section 5.3: Required improvements installation requirement. No Plat or certified boundary survey shall be recorded until all required improvements set forth in **Sec. 5.38**, except those specifically waived pursuant to **Sec. 5.15** through **5.17**, are either completed in accordance with the requirements of **Sec. 8.17** or are guaranteed to be completed by the developer or applicant in accordance with the provisions of **Sec. 8.14.1**.

(This section has been moved from the end of document as requested by Bob D, at a prior meeting)

Section 5.99: Construction of Required Improvements

- (a) **Developer's duty.** Upon issuance of the Site Development Permit, the developer shall coordinate the construction with the City Engineer and SID.
- (b) **Time of completion of required improvements.**
 - (1) Time completion. The time of completion of all required improvements shall not exceed twenty-one (21) months from the date of issuance of the Site Development Permit unless an extension is granted pursuant to this section.
 - (2) Time extension. A one-year time extension may be granted by the City Engineer after review of the written application for extension of the developer. The developer should submit the application for extension, including but not limited to a statement of justification and proof that an acceptable guarantee will remain in place for the duration of the extension, not less than two (2) months prior to expiration of the Land Development Permit. Applications submitted after expiration of the Land Development Permit shall not be accepted. The City Engineer shall review and advise the developer in writing of his decision within one (1) month of receipt of the application.
- (c) **Completion prior to plat recordation.** When the developer elects to complete required improvements prior to recording of the plat or certified sketch and description, the following procedures shall apply, as applicable
 - (1) Plat. Upon approval of the Plat and acknowledgment of completion of the required improvements pursuant to **Sec. 8.17.7**, the plat shall be submitted to the Office of the Clerk of the Circuit Court for recordation by the City Engineer.
 - (2) Recording of final plat. When the City finds that the certified survey and completion of the required improvements are in compliance with all requirements of this chapter, they shall cause the plat to be recorded in the Office of the Clerk of the Circuit Court.
- (d) **Completion after plat recordation.** When the developer elects to guarantee the construction of the required improvements in order to complete same after recordation, the City

Engineer may approve reductions of the amount of the guaranty and release the guaranty in accordance with the requirements and procedures prescribed in this subsection. All requests for reduction shall be by application to the City Engineer. A complete application shall include, at a minimum, a certified cost estimate from the developer's engineer for both the completed and the remaining required improvements. The City Engineer shall have the right to reduce the amount of any requested reduction based on his review of the application and required improvements. The City Engineer shall also have the right to refuse to approve any requested reduction so long as the developer fails to be in compliance with any of the terms and conditions of this chapter, the plat, or the plans and specifications for the required improvements. The City Engineer shall give written notification to the developer and the guarantee principal of the City Engineer's decision on the application within one (1) month of the application being deemed complete. Any approval under this section shall be conditioned upon the guarantee principal providing, within one (1) month of receipt of the City Engineer's written notification, written confirmation of the reduction in a form acceptable to the City Attorney.

(e) **City use of funds for failure of developer to complete.** The City Engineer, as the authorized agent of the Council, shall have the right to any funds available under the guaranty to secure satisfactory completion of the required improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by Sec. 8.17.2. The City Engineer shall send the developer a courtesy written notice of the City's intent to expend any drawn funds or demand performance, as applicable. Such notice shall be sent at least thirty (30) calendar days prior to said expenditure or demand and shall be mailed to the last known address of the developer or his authorized agent according to the Site Development Permit records on file with the City Engineer.

(f) Administration of construction.

(1) Construction standards. Construction standards shall be those prescribed in the current City and SID Standards.

(2) Inspections, reports, and stop work orders. The City Engineer and SID shall be notified in advance of the date of commencement of construction pursuant to the Site Development Permit, and of such points during the progress of construction for which joint review by the City Engineer or SID and developer's engineer are required as applicable.

(i). Construction of the required improvements shall be performed under the surveillance of, and shall at all times be subject to, review by SID; however, this in no way shall relieve the developer of the responsibility for ensuring close field coordination and final compliance with the approved plans, specifications and the requirements of this ordinance.

(ii). The developer shall require progress reports of the construction of the required improvements from the developer's engineer. The developer's engineer may also be required to submit construction progress reports directly to and at points of progress prescribed by SID. The developer's engineer shall coordinate joint reviews of the construction with SID as applicable at points specified by SID.

(iii). The City Engineer and SID shall have the right to enter upon the property for the purpose of reviewing the construction of required improvements during the progress of such construction. The City Engineer and SID shall have the authority to stop the work upon failure of the developer or his engineer to coordinate the construction of the required improvements as required by this subsection.

(3) Measurements and tests. During construction, the developer shall make or cause to be made such measurements, field tests, and laboratory tests necessary to certify that the work and materials conform with the approved development plans and the provisions of this chapter. The City Engineer and SID may require, at their discretion, specific types and locations of tests and measurements which they deem necessary to demonstrate conformance with approved plans and specifications.

(4) **Engineer's certificate of completion.** The required improvements shall not be considered complete until a certificate of completion, certifying to construction in conformance with the approved plans, and the final project records have been submitted to, reviewed, and approved by the City Engineer and SID. The certificate shall be signed and sealed by the developer's engineer and shall be in a form established by the City Engineer and SID, as prescribed by SID. Said certificate shall make specific reference to, and be accompanied by copies of measurements, tests and reports made on the work and materials during the progress of construction, along with a Record Drawing copy of each of the construction plans in the format prescribed by showing the original design in comparison to the actual finished work with all material deviations noted thereon.

(g) Acknowledgment of completion and maintenance of required improvements.

(1) Developer's Warranty on workmanship and material. The developer shall execute and submit a warranty guaranteeing the required improvements against defect in workmanship and material for a period of one (1) year after acknowledgment of completion pursuant to this Section. Said warranty shall be submitted to the City Engineer along with the completion certificate and project records. The warranty shall be in a form approved by the City Attorney.

(2) Acknowledgment of completion by City Engineer; release of guaranty. Upon submittal of the documents and records and recorded copies of the approved Maintenance and Use Covenants, the City Engineer with written confirmation from SID shall determine the completeness of the required improvements in accordance with the provisions of this chapter and the Site Development Permit. When the City Engineer determines that the required documentation is acceptable and the required improvements have been installed as required by this chapter, the City Engineer shall acknowledge completion of the required improvements and, when a guaranty has been posted, release the guaranty in accordance with the following.

(i) When the applicable plat has already been recorded, the City Engineer shall issue a written statement to the Developer acknowledging completion of required improvements and releasing the guaranty.

(ii) When the final plat has not been recorded, at the time of acknowledgment of completion the City Engineer shall review said final plat for conformance with current certification and approval requirements. Upon determining that the final plat meets said

requirements, the City Engineer shall approve the plat and submit it to the Clerk of the Circuit Court for recordation.

(iii) Issuance of the statement acknowledging completion and, when applicable, releasing the guaranty shall relieve the developer of his obligations for construction of required improvements but shall not relieve the developer of his obligations under the warranty for required improvements.

(3) Acceptance of dedications and maintenance of improvements. The acceptance by the Council or SID of any dedication to the Council or SID of public space, parks, rights-of-way, easements or the like on a plat shall not in itself constitute an acceptance by the City or SID of any responsibility to construct or maintain improvements within the dedicated area. Acceptance of dedications and maintenance responsibility for improvements within areas dedicated to the Council and/or SID shall be made as follows.

(a) The recordation of a final plat, subsequent to the City Engineer approval of said final plat for recordation, shall constitute acceptance by the Council of any and all dedications to the City as stated and shown on the plat.

(b) For those dedications to the City of real property, including rights-of-way, parks, and other tracts, an executed deed transferring title to such lands, plus such documentation of title and absence of encumbrances as required pursuant to City policy for acceptance of deeds, shall be submitted to the City Engineer at the time of submittal of the applicable Final Plat for recordation. Said deed(s) shall be on a form approved by the City Attorney, and shall be recorded by the City subsequent to recordation of the applicable final plat.

(c) At such time as the City Engineer and SID have issued a statement acknowledging completion of the required improvements and the applicable plat has been recorded, the City or the City Engineer, on behalf of the City, and SID or the SID Manager, on behalf of SID, shall accept maintenance responsibility for the required improvements to streets and to such other areas dedicated to the Council and/or SID in accordance with the dedications shown on said record plat, and shall issue a written statement confirming acceptance of said maintenance responsibility.

(4) City completion of required improvements in recorded subdivisions. The City may complete the required improvements, under the guaranty provided by the developer, when the corresponding plat has been recorded and the developer fails to complete the required improvements as required by this chapter. In such case, the City Engineer shall call upon the guaranty to secure satisfactory completion of the required improvements. Notice of said call shall be deemed upon posting via certified mail. Upon the completion of such action, the City Engineer shall report to the Council and the Council may accept by resolution the dedication and maintenance responsibility as indicated on the plat. In such cases, the remaining guaranties posted by the developer shall be retained for a period of one (1) year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guaranty.

(5) Developer's failure to complete improvements in unrecorded subdivisions. Where a developer has elected to install the required improvements prior to recordation of the plat and

fails to complete such improvements within the time limits prescribed, all previous approvals applicable to the proposed subdivision shall be deemed void.

Section 5.4: Standards and responsibility for required improvements. All required improvements shall be designed pursuant to the standards and specifications as prescribed in this chapter, in accordance with acceptable standards of engineering principles. All such improvements shall be installed by and at the expense of the developer or applicant in conformance with approved construction plans as referenced by the applicable Site Development Permit.

(a) **Professional Services Required:**

The developer shall retain the services of a professional surveyor and mapper licensed in the State of Florida to prepare a plat. The plat shall be coordinated with the major utility suppliers involved with providing services. The plat shall meet all requirements of the Florida Statutes found in Part 1, Ch. 177. In addition:

The plat shall contain the name of the natural person who prepared the plat.

The developer or applicant shall retain the services of a professional engineer to prepare an engineering plan.

(b) **Requirements for Certified Abstracted Boundary Survey**

A certified boundary survey shall meet the requirements for surveys established by the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17, F.A.C., pursuant to Sec. 472.027, Fla. Stat.

Section 5.5: Conformity with land use, density, intensity, and zoning regulations. Prior to consideration of any subdivision of land for approval under the terms of this chapter, the land proposed to be subdivided shall:

- (a) Be of sufficient land area to comply with the density, intensity, land use requirements and consistent with the provisions of the Comprehensive Plan.
- (b) Be in the proper zoning district and have the necessary zoning approvals required for the intended use.
- (c) This section shall not be read to prohibit the concurrent processing of applications.

Section 5.6: Issuance of Authorizations

- (a) Except as provided in Sec. 8.4.2.B, no certificate of occupancy shall be issued for any structure on any lot created by subdivision of land in violation of this chapter unless and until such lot is shown on a plat of record or certified survey, as applicable, recorded in the manner prescribed in this chapter. Building permits may be issued for approved, unrecorded plats.
- (b) Temporary construction trailers, temporary structures and permanent structures having a temporary use may receive a building permit prior to recordation of the Plat for the property only when the use and location have been approved by the Planning & Zoning Director and shown on the approved Final Site Plan. The Building Official may issue a temporary certificate of occupancy. The temporary certificate of occupancy may be extended to complete the purpose for which the temporary use is granted, as long as the temporary use of the permanent structure remains in use for the purpose for which the

temporary certificate of occupancy was granted. The decision to extend the temporary use must be approved by the Planning and Zoning director and the Building Official.

Section 5.7: Previously Approved Plats.

- (a) Active subdivision development. All active subdivision developments and all modifications to previously platted subdivisions shall be subject to the requirements of this chapter in accordance with the provisions of **Sec. 1.5**.
 - (1) Subdivision developments which are committed developments or deemed vested. Any development which constitutes a committed development under the Comprehensive Plan or which has otherwise been deemed vested under Florida law, is hereby deemed an active subdivision plan or preliminary plat, as applicable.
 - (2) Modifications to an active subdivision plan or preliminary plat. Modifications to an active subdivision plan or preliminary plat shall subject the development to the requirements of this chapter when:
 - (a) The modification of an active subdivision plan for a planned development cannot be approved by the Planning and Zoning Director in accordance with the authority granted to it under **Sec. 5.6**; or
 - (b) The modification of an active subdivision plan or preliminary plat constitutes more than a minor deviation such that, in the opinion of the City Engineer, the construction plans for the required improvements require a new submittal and review.

Section 5.8: Standard Forms.

- (a) **General.** The forms and formats contained in the SID Manual of Standards have been approved as standard by the City Attorney and SID Attorney, and the City Engineer and SID Engineer, as appropriate. All specific agreements, guaranties certifications, and other legal documents are subject to the approval of the City Attorney. Alternate form(s) may be approved for use pursuant to this chapter, provided the City Attorney has first approved such alternate form(s) in writing. SID may have forms and other legal documents with require the approval of the SID Attorney.
- (b) **Dedications and Reservations.** Dedications and reservations shall be specified in accordance with the substantive requirements and shall be subject to approval by the City Attorney and recommended comments by SID Attorney prior to plat recordation. All dedications and reservations to SID or which impact SID facilities or services must be accepted by SID prior to plat recordation.

Article II WAIVERS AND EXEMPTIONS

Section 5.15: Authority. The City may grant a waiver from the literal or strict enforcement of the provisions of this ordinance in accordance with the provisions set forth in Section **5.15** through **5.17**. Granting of the waiver shall not negatively impact the health, safety, and welfare of the residents of the City, nor impede the function or operation of SID's facilities and operations.

Section 5.16: Plat waiver with certified boundary survey. In order to determine whether platting may be waived, the developer or applicant shall submit an application with the information required by Chapter 2.

- (a) In addition to the requirements of Chapter 2, the application must contain a statement demonstrating that the subdivision meets at least one (1) of the following conditions:
 - (1) The division is to create no more than three (3) contiguous lots and all of the following circumstances apply:
 - (a) The land concerned is isolated or removed in its relationship to platted lands;
 - (b) Dedications or reservations are not required for the installation or maintenance of the required improvements; and
 - (c) The improvements and dedications existing on the land are substantially in accordance with the requirements of this chapter.
 - (2) The underlying parcel of land has been previously platted, and the division of land proposed is a subdivision of outparcels, which must be evidenced by a unity of title agreement.
 - (3) The combination or recombination of lots is required in order for the new lot or lots to meet the density requirements of the Comprehensive Plan.
 - (4) A building site which constitutes all or a portion of a pod designated for commercial or industrial (is the intent to include mixed-use within non-residential?) use within a planned development, and for which the detailed development configuration and building permit issuance are subject to prior approval by the Planning & Zoning Director of a final site plan, may be exempted by the City Engineer from the subdivision recordation requirement and may be subdivided by fee title conveyance of individual internal lots. Such exemption may be granted by the City Engineer provided that:
 - (a) Legal access to each interior lot is provided by a common parking lot in full compliance with all requirements of minimum legal access;
 - (b) The layout, location, and construction limits of structures within the building site are regulated by required separation distances between structures rather than by setbacks from interior lot lines;
 - (c) Individual interior lots are not subject to requirements for minimum area or dimensions under the property development regulations of **Art. 3.D**, Property Development Regulations (PDRs), applicable to the building site;(do we need to keep this provision for Publix for example?)
 - (d) A statement of the developer's or applicant's intent to subdivide the property pursuant to the platting exemption of this **Sec. 5.6.2**, Subdivision of Commercial and Industrial Building Sites (do we intend the non-residential to apply to mixed-use projects?), and proposed subdivision lines with bearings and distances are included on the approved final site plan for the building site, in which case said site plan

shall constitute the approved final subdivision plan for purposes of compliance with this chapter;

- (e) All lands within the perimeter of the building site are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved by the City Attorney; and
 - (f) The building site is delineated on a single boundary plat of record depicting all existing drainage and utility easements of record and all required limited access easements, water management tracts, and common area tracts, and including appropriate dedications or reservations for same.
 - (g) The City Engineer may accept a certified sketch and legal description in lieu of a certified boundary survey. The certified sketch and legal description shall meet the requirements for certified sketches and descriptions set forth by Chapter 5J-17, F.A.C., pursuant to Sec. 472.027, Fla. Stat. and the appropriate City requirements. (This provision provides more flexibility and reduces the potential expense to an applicant when this is the appropriate vehicle for waiver. I suggest it remain in the code)
- (b) **Effect of approval.** The granting of a plat waiver in no manner reduces or waives the requirements governing construction plan approval, site development permit issuance, and installation of the required improvements. Failure by the applicant to submit all documents required for the recordation of the affidavit of waiver within six (6) months of approval by the City Engineer shall void said approval.

Section 5.17: Exceptions to installation of Required Improvements requirement (Required Improvement Waiver).

- (a) If, after review of a plat, the City Engineer determines that certain improvements already exist on the proposed project site are adequate to meet the intent of the required improvements requirement of this chapter, the installation of those required improvements may be waived. SID shall confirm the existence of required improvements.
- (b) Application for required improvement installation waiver. The developer or applicant shall submit a plat or site development plan in accordance with the requirements of this chapter together with a statement demonstrating that the applicable improvement(s) and associated dedications existing on the land and serving the proposed lot(s) are substantially in accordance with the requirements of this chapter.
- (c) Effect of approval. The granting of a required improvement(s) installation waiver in no manner reduces or waives the requirement of this chapter to file a plat and to comply with applicable provisions of this chapter with regard to all required improvements not specifically waived.

ARTICLE 3 REQUIREMENTS FOR THE PLAT

Section 5.25: The plat shall be prepared in accordance with the provisions of Chapter 177 F.S., as amended, and shall conform to the requirements of this Section.

(a) **General Requirements**

- (1) The plat shall be clearly and legibly drawn or printed on 24 inch by 36 inch mylar in accordance with the requirements of the Clerk of the Circuit Court of Palm Beach County for plats made for recording pursuant to Chapter 177, Florida Statutes.
- (2) All linework and text shall be in black. Gray linework or text shall not be permitted.
- (3) All margins shall comply with Chapter 177, Florida Statutes.
- (4) The map shall be drawn at a scale sufficient to show all detail for the portion of the map being depicted
- (5) There shall be reserved on each sheet of the plat a three inch by five-inch space in the upper right hand corner to be used by the Clerk and Comptroller of Palm Beach County for recording information and each sheet. This shall be accompanied by a circle 1.5 inches in diameter with the caption "Clerk" for the clerk's seal. The edge of this circle must be no more than ½ inch from the edge of the paper.
- (6) The plat boundary and all parcels within that boundary shall be delineated by solid lines.

(b) **Preparation** – The plat shall be prepared by a Surveyor and Mapper duly licensed by the State of Florida pursuant to Chapter 472, Florida Statutes.

(c) **Name of Subdivision** – The plat shall have a name acceptable to Clerk of Court of Palm Beach County. When the plat is a new subdivision, the name of the subdivision shall not duplicate or be phonetically similar to the name of any existing subdivision. When the plat is an addition to or replat of a recorded subdivision, it shall carry the same name as the existing subdivision followed by a suitable phase designation or similar modifier, when applicable. When the plat encompasses lands in a planned development, the abbreviation "PD" shall be used. Likewise, all other types of planned developments shall contain the appropriate abbreviation for such designation within the Name.

(d) **Title** – The plat shall have a two-part title near the top of each sheet which will consist of name of subdivision, as described above, in large bold letters with a subtitle beneath the name in smaller text which shall include the following:

- (1) The Section, Township, Range, Municipality, County and State.
- (2) When the plat includes previously platted lands the full plat name(s) of said lands together with complete recording reference(s)

(e) **Description** – Plats shall contain a full and complete metes and bounds legal description of the boundary of the lands being platted, except however, when a plat involves the replatting of all of one or more contiguous parcels within a prior plat(s) a lot and block

type description with proper recording reference to the prior plat(s) may be substituted. All information called for in the description will be shown on the map.

- (f) **Key Map** – If more than one sheet is required for the map, the plat shall contain a Key Map on the first page and all pages depicting the map. The Key Map shall show the boundary of the entire subdivision and boundaries of the portions of the map depicted on each sheet, together with the sheet number reference for each sheet. The portion of the map depicted on each sheet shall be highlighted on the Key Map on that sheet. Each sheet depicting a portion of the map shall have clearly labeled match lines with reference to the sheet number containing the portion of the map which joins along that particular line.
- (g) **Vicinity Map** – A vicinity map shall be shown on the first page of the plat depicting the location of the subdivision relative to surrounding streets or roads and thoroughfares and other areas.
- (h) **North Arrow and Scale** – A prominent north arrow shall be shown on each sheet which depicts all or a portion of the map. A stated and graphically depicted scale shall be also shown in the vicinity of each north arrow.
- (i) **Legend and Abbreviations** – A legend showing the meaning of all symbols used on the plat and a listing of all abbreviations used on the plat with corresponding meanings shall be shown on each sheet depicting the map or portions thereof.
- (j) **Geometric Data** – Sufficient geometric data shall be shown to positively describe the boundary of each lot, parcel, block, tract, right-of-way, street, road, easement, and all other areas shown on the plat within the plat boundary. Geometric data shall conform to the following:
 - (1) Arcs shall be labeled with central angle, radius and length, additionally, arcs in the centerlines of rights-of-way shall also include chord bearing and distance.
 - (2) Lines shall be labeled with bearing and distance.
 - (3) The geometric data shall mathematically close within 0.01 feet and shall be accurately tied to all Palm Beach County or reestablished township, range and section lines occurring within the subdivision by bearing and distance.
 - (4) Lines intersecting curves shall be noted as radial or non-radial as the case may be.
 - (5) A closure report shall be provided with the submittal. If closure within 0.01 feet is not achieved, then state plane coordinates shall be provided and City Engineer must determine whether the closure is sufficient.
 - (6) The bearing reference line shall be clearly shown on the map and stated on the face of the plat in the notes.
 - (7) Geometric data in tabular format shall not be permitted except under special circumstances upon approval by the City Surveyor.
- (k) **Permanent Reference Monuments and Permanent Control Points** – Permanent reference monuments and Permanent Control Points shall be set in the manner

prescribed by F.S. Chapter 177 and shall be depicted on the map by symbols and notations.

- (l) **Lot, Parcel, Block and Tract Identification** – Each lot or parcel shall be identified by consecutive numbers individually throughout the subdivision. When the subdivision contains blocks as defined in Chapter 177.031(2) F. S. each block shall be numbered or lettered consecutively and with lots or parcels in each block identified by consecutive numbering. All tracts shall be identified by appropriate name designations. Multiple tracts dedicated for the same purpose shall bear a prefix indicating purpose followed by consecutive numbering for each tract.
- (m) **State Plane Coordinates** - There shall be at least two State Plane Coordinates shown on the Plat. The coordinates shall be shown in FLORIDA STATE PLANE GRID and the Datum will be NAD83 as follows:
 - (1) 1983 State Plane Zone: Florida East with 2017 Adjustment
 - (2) Linear Units: US Survey Feet
 - (3) Projection: Transverse Mercator
 - (4) All Distances Will Be: Ground
 - (5) The Scale Factor for The City Will Be: 1.0000
 - (6) Ground Distance X Scale Factor = Grid Distance
 - (7) A Rotation Angle from Grid to Ground If Any Shall Be Shown.
- (n) **Street or Road Names** – The plat shall show the name of each street or road. Street or road names shall not duplicate or be phonetically similar to existing street or road names. All proposed street or road names shall be submitted to the City for approval prior to final approval of the Plat and/or final subdivision plan.
- (o) **Interior excepted parcels** – Interior excepted parcels as described in the legal description of the subdivision shall be labeled "not a part of this plat". Sufficient easements or rights-of-way to provide necessary access, utilities, and drainage to the excepted parcel shall be provided.
- (p) **Streets, Roads and easements.** All street, roads, right-of-way, and easement widths and dimensions shall be shown on the plat. Easements are to be tied at both ends at intersecting boundary, lot, or right-of-way lines. The plat shall show the name, location and width of all existing or recorded streets or roads intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.
- (q) **Maintenance and use documents.** Maintenance and use covenants shall be submitted with the Final Plat and approved by the City Attorney prior to recordation of the Final Plat. All areas of the plat that are not to be sold as individual lots and all easement shall be dedicated or reserved in accordance with the terms of the maintenance and use covenants, and their purposes shall be clearly stated on the plat.
- (r) **Dedication of Streets or Roads.** All streets or roads and their related facilities which are designed to serve more than one lot or dwelling unit shall be dedicated to the SID or the

City for public use, unless otherwise required or permitted by this paragraph or elsewhere in this chapter. Any street or road which is to be reserved as a private street or road shall be identified as a tract for private street or road purposes. Such street or road tracts shall be reserved in accordance with Sec. 8.20.2.O.1. Private streets or roads may only be permitted when such streets or roads are subject to a recorded declaration of covenants subjecting the streets or roads to the jurisdiction and control of a property owner's association or a homeowner's association, their successors and assigns, where access is derived from such streets or roads. Easements shall be reserved in favor of the City and SID. When parking areas are required to be constructed they shall be reserved to and shall be the perpetual maintenance responsibility of a property owners' association, which association shall have jurisdiction over the parking area and the clustered lots. Such parking areas shall be clearly identified and reserved as tracts for parking and access purposes.

- (s) **Restriction on obstruction of easements.** The plat shall contain a statement that no buildings or any kind of construction or trees or shrubs shall be placed on any easement without prior written consent of all easement beneficiaries and all applicable City and SID approvals or permits as required for such encroachment.
- (t) **Certification and approvals.** The plat shall contain on the face or first page the following certifications and approvals, acknowledged as required by law, all being in the form set forth below.
 - 1. Dedication and reservation. All areas dedicated for public use shall be dedicated by the owner of the land at the time the plat is recorded. Such public areas may include, but are not limited to: civic sites, parks, rights-of-way for streets, roads or alleys, however the same may be designated; easements for utilities; rights-of-way and easements for drainage purposes; and any other area, however designated. All areas reserved for use by the residents of the subdivision shall be reserved by the owner of the land at the time the plat is recorded. All dedications and reservations shall be perpetual and shall contain:
 - (a). The name of the recipient or beneficiary of the dedication or reservation (including successors and assigns);
 - (b). The purpose of the dedicated or reserved area; and
 - (c). The name of the entity responsible for the perpetual maintenance of the dedicated or reserved area (including successors and assigns). In the event the City and/or SID is/are not the recipient or beneficiary of the dedication or reservation, the statement of maintenance responsibility shall include the phrase "without recourse to the City and SID."
 - 2. If so required, certain dedications or reservations shall grant the City and/or SID the right but not the obligation to maintain. The dedications and reservations shall be executed by all owners having a record interest in the property being platted. The acceptance on the plat of the dedications or reservations shall be required of any entity to whom a dedication or reservation is made, except the City and/or SID. Dedications to the City and/or SID shall be accepted according to

Sec. 5.37(d). All dedications, reservations, and acceptances shall be executed in the same manner in which deeds are required to be executed according to Florida Statutes.

- (u) **Coordination with Utilities.** The plat shall be coordinated with the major utility and electricity, gas, phone and cable supplies involved with providing services.

Section 5.26: Mortgagee's consent and approval. All mortgages along with the mortgagee's consent and approval of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as mortgages are required to be witnessed and acknowledged.

Section 5.27: Certification of surveyor. The Final Plat shall contain the signature, registration number and official seal of the surveyor, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of Chapter 177, Fla. Stat., as amended, and this chapter. The certification shall also state that permanent reference monuments ("P.R.M.s") have been set in compliance with Chapter 177, Fla. Stat., as amended, and this chapter. When the permanent control points ("P.C.P.s") are to be installed after recordation, the certification shall also state that the "P.C.P.s" will be set under the direction and supervision of the surveyor under the guarantees posted for required improvements within the plat. When required improvements have been completed prior to the recording of a plat, the certification shall state that "P.C.P.s" have been set in compliance with the laws of the State of Florida and ordinances of the City.

Section 5.28: City Approval. After review and staff approval of the plat, receipt of the engineer's cost estimate and the surety submittal, the City shall submit the plat to the city council for its approval. Signing and sealing of the final plat by the City Engineer shall constitute City approval of the plat for recordation. Upon approval of the plat, and execution of all required signatures, the City Engineer shall present the plat to the Clerk of the Circuit Court for recording.

Section 5.29: Certification of Title. The title sheet of the plat shall contain a title certification. The title certification must be an opinion of an attorney-at-law licensed in Florida, or the certification of an abstractor or a title insurance company licensed in Florida, and shall state that:

- (a) The lands as described and shown on the plat are in the name, and apparent record title is held by the person, persons or organizations executing the dedication;
- (b) All taxes have been paid on said lands as required by Chapter 197.192, Fla. Stat., as amended;
- (c) All mortgages on the land are shown and indicated by their official record book and page number; and
- (d) There are no encumbrances of record on said lands that would prohibit the creation of the proposed subdivision.

Section 5.30: Phased Plats

- (a) **Phased Plats Permitted.** Property may be platted in two (2) or more increments pursuant to the terms of this section. **Construction plans or a plat for a partial phase shall not be accepted.** (Suzanne)
- (b) **Requirements for Phased Plats.** The improvements of each phase shall be capable of operating independently of any unconstructed phase with respect to drainage, access, utilities, and other required improvements, except as provided herein. A dependent phase may be platted only if the foundation phase plat has been recorded and required improvements have been completed or are under construction pursuant to a site development permit and are secured pursuant to a guarantee posted for completion of required improvements. A dependent phase shall not be acknowledged as completed until the improvements in the foundation phase are acknowledged as completed; provided, however, that such acknowledgment of completion may occur simultaneously and provided that the City Engineer may permit the posting of surety to guarantee the installation at a later time of those required improvements which are not deemed necessary to provide drainage, access, or utilities to such dependent phases.
- (c) **Sequence of phases.** When the development subject to a phased plat is to be constructed in phases, the following sequence must be adhered to:
- (1) Where all or any portion of a water management tract is required to serve a proposed phase of development, and has not been previously recorded and constructed, said water management tract and its associated lake maintenance easement(s) shall be included and constructed in their entirety as part of the plat and required improvements for that phase. The developer may elect to construct the portion of the lake required to serve the current phase of development with the approval of the City Engineer and SID. Developer to provide water management calculations demonstrating the required amount of water management system to be constructed.

Section 5.31: Recordation of Plats. The certified boundary survey or sketch and legal description shall require approval of the Council prior to recordation. Except when the installation of all required improvements has been waived pursuant to **Sec. 5.15** through **5.17**, the Approved Plat or Sketch and Description, as applicable, shall not be recorded until the developer has either installed the improvements or has guaranteed the installation of the improvements pursuant to the requirements of **Sec. 5.33** and **5.34**, below. If the plat is to be recorded prior to installation of the Required Improvements, see **Sec. 5.99**, the City will sign and seal the plat and submit to the Clerk of the Circuit Court for recordation. If the required improvements are to be completed prior to recording of the plat, the fully executed plat will be held by the City until the requirements of **Sec. 5.99** are met.

No plat of any subdivision shall be entitled to record in the office of the clerk of the circuit court of this county or have any validity until it shall have been approved in the manner prescribed in this chapter.

Section 5.32: Time for Recording Plats. Plats may be held and are deemed valid for six months after the date of approval by the city council. Should a plat not be recorded within six months of city council approval, the plat shall be deemed null and void.

Section 5.32: Modification of Plats.

- (A) Any changes, erasures, modifications or revisions to an approved plat prior to recordation may only be made with the approval of the City Engineer and the City Attorney to correct

scrivener errors, to reflect a change in ownership, a change in mortgagee, or to reflect accurate legal descriptions and locate right-of-way dedications, drainage ways and easements, or street or road names. Any other changes will require a resubmittal and approval by the city council.

- (B) Modifications to recorded plats are subject to the same requirements and approval proceedings as initial plats, and may include requirements from previously approved plats. However, errors or omissions in the date shown on a recorded plat may be corrected as provided for in Florida Statutes, Section 177.141.

Section 5.33: Surety. Platting prior to completion of required subdivision improvement: When platting is proposed prior to completion of construction of required public infrastructure improvements, the applicant shall submit a surety to the City in a form and in an amount acceptable to the City Attorney, so as to guarantee construction of the required utilities, drainage, stormwater improvements, streetscape, site landscaping, parking for public purposes, entry feature and public infrastructure improvements proposed for development, including applicable fees. The form of surety must be approved by the City Attorney.

Section 5.34 Amount and Form of Surety.

- (a) **Amount.** A required surety for the installation of required improvements shall be in an amount equal to one hundred fifteen (115) percent of the construction cost of the required improvements.
- (b) **Form.** The surety must meet the City requirements and shall be in one of the following forms as approved by the City Attorney:
 - (1) Cash Bond;
 - (2) Letter of Credit from a solvent financial institution authorized to do business in the state of Florida;
 - (3) Performance or Surety Bond;
 - (4) Escrow Deposit;
 - (5) Developer agreement with an entity with jurisdiction and authority to construct the required improvements; or
 - (6) Any alternate form approved by the City Attorney.

Section 5.35 Frequency of reductions in amount of surety.

Amount of reductions in surety. (2) Reduction of escrowed funds and surety. If the applicant posted surety in the form of a cash escrow, an irrevocable letter of credit, or bond, the amount of the surety may be reduced upon certification of completion of part of the required improvements by the applicant's engineer and recommendation of approval by the City Engineer of the completed improvements. However, the reduction of surety shall be only in the ratio that the cost of the improvements completed and certified bears to the total cost of required improvements for the subdivision, less ten percent. The amount of the guarantee shall not be reduced below twenty (20) percent of the original cost estimate.

Section 5.36 Conditions for release of surety.

Certificate of satisfactory completion. The city council shall not accept dedication of public improvements or release or reduce the amount of any surety posted by the applicant until the City Engineer has determined that all required improvements have been completed in accordance with all applicable city codes, standards, or requirements. Additionally, the City Engineer must determine the documents listed below have been received.

(a) The applicant's engineer has certified to the City Engineer that all improvements are in compliance with construction plans and specifications for the subdivision. The certification shall include "as-built drawings" prepared and certified by the engineer of record or a land surveyor registered in Florida, and such other completion documents as may be required by the City Engineer.

(b) A guarantee has been furnished to and approved by the City Attorney, indicating the public improvements can be dedicated to the city free and clear of any and all liens and no final or official plat of any subdivision shall be approved unless the improvements listed in the following subsections have been installed prior to such approval, or the subdivider shall file with the city council a surety bond, cashier's check or a certified check upon a solvent local bank, conditioned to secure the construction of the improvements listed in the following subsections in a satisfactory manner and within a period specified by the city council, such period not to exceed two years. No such bond or check shall be accepted unless it be enforceable by or payable to the City in a sum at least equal to the cost of constructing the improvements as estimated by the City Engineer, and in form of surety with conditions approved by the City Attorney, free of any encumbrances, excluding any current real estate taxes for the current year.

Release of escrowed funds and surety. Funds held in the escrow account shall not be released to the applicant, except upon the approval of the City Engineer in consultation with the City Attorney. At the end of the maintenance period, all unused escrowed funds, if any, shall be released to the applicant. If the surety provided by the applicant was a letter of credit, the City Attorney may execute waivers of the city's right to draw funds on the letter of credit upon certification of completion of the required improvements by the applicant's engineer and recommendation of approval by the City Engineer.

Section 5.37: Failure to make Improvements.

(a) **Failure to make improvements:** Prior to the issuance of a building permit, all developers shall post a surety in an amount determined by the City Engineer to be sufficient to ensure that required public improvements shall be completed if the developer does not or cannot make the public improvements in accordance with the phasing plan established for a development. Where allowed under state law, a special district to construct and finance the construction of required public improvements may be formed. If a special district is formed, the city shall not release the developer from obligations under the development order nor shall the city release any surety in whole or in part, until the special district has sold bonds and provided an irrevocable guarantee acceptable to the city that the required public improvements are funded and shall be constructed.

(b) **Public improvements.** Public improvements shall mean those improvements which are for use by the public or constructed to serve a public need, regardless of the ownership.

- (c) **Failure to complete required improvements and remedies.** If a development order has been executed or surety posted and required improvements have not been installed within the terms thereof, the City may take any or all of the actions listed below.
 - (1) **Declaration of default.** Declare the development order or surety to be in default and require that all of the required improvements be installed regardless of the extent of development at the time of default.
 - (2) **Utilize surety.** Obtain funds pursuant to the surety and complete improvements itself or through a third party.
 - (3) **Assignment of rights.** Assign its right to receive funds under the surety to any third-party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part. Such assignment shall be in exchange for that subsequent owner's binding commitment to complete the required improvements.
 - (4) **Other rights.** Exercise any other legal or equitable rights or remedies available.
- (d) **Acceptance of dedication offers.** Formal offers of dedication to the city of rights-of-way, public areas, easements, parks and other tracts or parcels of land shall be shown on the plat and shall be deemed to have been accepted by the city by resolution of the city council approving the plat. The city council may require the plat to be endorsed with appropriate notes to this effect.

Section 5.38: Required Improvements:

Minimum Standards. The improvements set out herein shall be the minimum required improvements for all subdivisions in order to provide the physical improvements necessary to implement certain performance standards, objectives and policies of the Capital Improvements Element and other elements of the Plan. The required improvements shall address the adequacy of necessary public or private facilities and services for traffic and pedestrian access and circulation, solid waste, wastewater disposal, potable water supply, stormwater management, and similar facilities and services. These required improvements shall be installed prior to recordation of the corresponding plat or certified boundary survey unless the developer furnishes a guarantee assuring their installation in accordance with the provisions of this chapter. The costs of all required improvements shall be guaranteed.

Section 5.39 (5.63.) Access and Circulation Systems

(a) Required improvement to be constructed by developer. All streets, roads, alleys, and related facilities required to serve the proposed development shall be constructed by the developer. Construction shall consist of, but not be limited to, grading, base preparation, surface course, and drainage. All streets, whether intended for dedication to the City and/or SID or reservation for private use and maintenance, shall be constructed to the minimum standards established by this chapter and the City standards. Additionally, the developer shall construct any parking areas which provide access to any parcels that do not have direct, primary access from a local street or residential access street. Construction of such parking areas shall be completed prior to issuance of any Certificate of Occupancy for any dwelling unit located on a parcel served by such parking area. Construction of the parking areas may be done in conjunction with building construction on the lot or parking area is to serve provided, however, that construction shall be noted on the approved paving, grading and drainage plans in a form acceptable to

the City Engineer. When the parking areas is to be completed in conjunction with building construction, the developer shall execute a certificate of compliance on a form approved by the Building Official prior to issuance of the certificate of occupancy for any dwelling unit or building served by such parking areas. Said certificate of compliance shall state that the parking area was completed in accordance with the requirements of these land development regulations.

Parking. The cost of installing parking areas need not be guaranteed since the plat establishes legal access and such areas are required to be installed prior to issuance of the Certificate of Occupancy.

[Palm Beach County's code includes Land Preparation; Stormwater Management, Wastewater System and Potable Water System language]

Section 5.40 (a) General procedure and fees. The City shall provide for the inspection of required improvements and confirm their completion in accordance with all applicable City standards, codes, requirements, and the certification of completion by the engineer of record. The applicant shall pay the City the applicable inspection fee as determined by the City. Building permits or certificates of occupancy shall not be issued until all fees are paid. If the City Engineer finds that any required improvement has not been constructed in accordance with the city's codes, standards, or requirements, the applicant shall be notified of the deficiency and shall promptly and properly complete the improvements. The City may withhold the issuance of building permits and certificates of occupancy until the improvements are properly completed. (City Engineer acceptance of Certification by SID Engineer?)

(b) Maintenance of improvements.

A developer's warranty on workmanship and materials. Such warranty shall guarantee the required improvements against defect in workmanship and material for a period of one year from acceptance by the City Engineer and be in a form acceptable to the City Attorney.

The responsible party shall be required to maintain all required public improvements in the subdivision until acceptance of the improvements by the City or SID, as applicable. Following the City's acceptance of the improvements, the City shall require the responsible party to maintain the improvements for a period of up to one year from the date of acceptance. In addition, the responsible party shall post a maintenance bond satisfactory to the city in the amount of ten percent of the original surety. The City shall release the maintenance bond for required improvements once the required improvements have been accepted by SID for ownership, operation and maintenance.

(c) Issuance of building permits and certificates of occupancy. When a development order and surety has been required for public improvements, a certificate of occupancy for any building in the subdivision shall not be issued prior to completion of the required public improvements, and evidence that all required utilities have been released for operation.

(d) Reduction of Surety and Associated fee. An administrative fee shall be assessed by the City for approval of partial reduction of the land development surety over the course of installation of required improvements. All agreements, guarantees and documents shall be subject to the approval of the City Engineer and the City Attorney.

(e) **Certification package.** The engineer's certification package shall include copies of all geotechnical testing reports related to the improvement work. Record drawings shall be provided in signed and sealed blackline form and in digitized for form acceptable to the City Engineer.

Article 5 Unity of Title and Declarations of Restrictive Covenant.

Section 5.45. Purpose and Applicability: When it is necessary that two (2) or more lots, parcels or portions thereof are added or joined, in whole or in part, a Unity of Title or Declaration of Restrictive Covenant in lieu of a Unity of Title shall be filed to ensure the properties are planned, developed and maintained as an integral development and/or project and are consistent with and satisfy the requirements of these regulations and the City's Land Development Regulations.

Section 5.46. Unity of Title

(a) **General Requirements.** As a prerequisite to the issuance of a building permit, the owner(s) in fee simple shall submit a Unity of Title in recordable form to the Planning and Zoning Director providing that all of the property encompassing the parcel proposed for development upon which the building and appurtenances are to be located shall be held together as one (1) tract or parcel of land and providing that no part or parcel shall be conveyed or mortgaged separate and apart from the parcel proposed for development, as set forth under the building permit in the following cases.

1. Whenever the required off-road or street parking is located on contiguous lots or parcels or is otherwise located off-site, as provided for under the City's land development regulations.
2. Whenever the parcel proposed for development consists of more than one (1) lot or parcel and the main building is located on one (1) lot or parcel and accessory buildings or structures are located on the remaining lot or parcel comprising the parcel proposed for development.
3. Whenever the parcel proposed for development consists of more than one (1) lot or parcel and the main building is located on one (1) or more of the lots or parcels and the remaining lots or parcels encompassing the parcel proposed for development are required to meet the minimum standards of these regulations.
4. Whenever a building is to be constructed or erected upon a lot or parcel which is larger in frontage, depth and/or area than the minimum required by these regulations and which lot or parcel would be susceptible to re-subdivision in accordance with the City's land development regulations.
5. Whenever the Planning and Zoning Board provides that a Unity of Title shall be executed as a condition for the granting of a variance.
6. Whenever a Unity of Title is specifically required by an ordinance or resolution adopted by the City Council.
7. Whenever a parcel proposed for development in any residential district consists of more than one (1) platted lot.

(b) **Approval.** The Unity of Title shall be subject to review and approval by the City Attorney as to form and content, together with any additional necessary legal instruments to preserve the intent of these regulations and to properly enforce these regulations and Code of Ordinances and shall be signed and joined by all mortgage holders.

(c) **Release.** Any Unity of Title required by this section shall not be released except upon approval by resolution passed and adopted by the City Council and executed by the City Manager and City Clerk.

(d) **Recording.** The owner(s) shall pay all fees as required by the City's adopted fee schedule for the processing and recording of the Unity of Title.

(e) **Enforcement.** Enforcement of the Unity of Title shall be by action at law or in equity with costs and reasonable attorney's fees and City fees payable to the prevailing party.

Section 5.47. Declarations of Restrictive Covenant in Lieu of a Unity of Title

(a) **General Requirements.** In the case of separate but contiguous and abutting parcels proposed for development located in town center district or downtown mixed use districts owned by one (1) separate or multiple owners wishing to use said property as one parcel, the Planning and Zoning Director may approve a Declaration of Restrictive Covenant in Lieu of a Unity of Title together with a Reciprocal Easement and Operating Agreement approved for legal form and sufficiency by the City Attorney. The Declaration of Restrictive Covenant shall run with the land and be binding upon the heirs, successors, personal representatives and assigns and upon all mortgagees and lessees and others presently or in the future having any interest in the property. In such instances, the property owner(s) shall agree that in the event that ownership of the subject properties comes under a single ownership, the applicants, successors and assigns, shall file a Declaration of Restrictive Covenant covering the subject properties.

(b) **Specific Requirements.** The Declaration of Restrictive Covenant shall be submitted to the City Attorney for approval and shall:

1. Include a record of the existing building height, existing size and existing site conditions, which includes both a plan and photographic evidence.
2. Develop, maintain and operate the property as a single building site.
3. Develop individual building sites within the subject property in accordance with the provisions of the City's Comprehensive Plan and these regulations.
4. Bind subsequent owners of all parcels to the terms, provisions and conditions of the Declarations of Restrictive Covenant.
5. Be executed with the same formality and manner as a warranty deed under the laws of the State of Florida.

(c) **Release of Declaration of Restrictive Covenant.** The City shall only release a Declaration of Restrictive Covenant if the individual properties satisfy all applicable regulations, Code of Ordinances and Comprehensive Plan requirements and the release does not create substandard or nonconforming building sites.

(d) **Modification of Declaration of Restrictive Covenant.** Requests for modification of an existing Declaration of Restrictive Covenant shall be submitted to the Planning and Zoning Director and satisfy the following:

1. The request shall contain written consent of the current owner(s) of the phase or portion of the property for which modification is sought.
2. The modification shall not create a fire emergency situation or be in conflict with the provisions of these regulations, Code of Ordinances and Comprehensive Plan.

(e) **Conditions of Declaration of Restrictive Covenant.** The Planning and Zoning Director may impose conditions within the Declaration of Restrictive Covenant to ensure the above provisions are satisfied or waive such provisions if not applicable to the parcel proposed for development.

(f) **Reciprocal Easement.** The conveyance of portions of the subject property to third parties shall require a Reciprocal Easement and Operating Agreement executed by third parties in recordable form including the following:

1. Easements in the common area of each parcel for the following:
 - (a) Ingress to and egress from the other parcels.
 - (b) For the passage and parking of vehicles.
 - (c) For the passage and accommodation of pedestrians.
2. Easements for access roads across the common area of each parcel to public and private roadways.
3. Easements for the following on each parcel to permit the following:
 - (a) The installation, use, operation, maintenance, repair, replacement, relocation and/or removal of utility facilities in appropriate areas.
 - (b) The installation, use, maintenance, repair, replacement and/or removal of common construction improvements such as footings, supports and foundations.
 - (c) The attachment and support of buildings or other associated structures and/or improvements.
 - (d) For building overhangs and other overhangs and projections encroaching upon such parcel from adjoining parcel such as, by way of example, including but not limited to the following: marquees; signage; canopies; lighting devices; awnings; wing walls; etc.
 - (e) Reservation of rights to grant easements to utility companies.
 - (f) Reservation of rights to road rights-of-way and curb cuts.
 - (g) Pedestrian and vehicular traffic over dedicated private right roads and access roads.

4. **Maintenance Agreements.** Appropriate agreements between the owners of the parcels as to the obligation for maintenance of the property to include but not limited to the following: maintenance and repair of all private roadways; parking facilities; common areas; landscaping; and, common facilities and the like.

5. **Amendments.** These provisions of the Reciprocal Easement and Operating Agreement shall not be amended without prior written request and approval of the City Attorney. In addition, such Reciprocal Easement and Operating Agreement shall contain such other provisions with respect to the operation, maintenance and development of the property as to which the City and the parties thereto may agree, all to the end that although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan.

6. **Reciprocal Easement and Operating Agreement Requirements.**

- (a) The owner(s) shall provide a Certificate of Ownership by way of an opinion of title from an Attorney-At-Law licensed to practice in the State of Florida or from an abstract of title company licensed to do business in Palm Beach County, Florida; said opinion of title shall be based upon an abstract or certified title information brought up within ten (10) days of the requirement that such Declaration of Restrictive Covenant be recorded.

(b) The opinion of title shall include the names and addresses of all mortgagees and lien holders, the description of the mortgages and/or liens and the status of all real estate taxes due and payable.

(c) A subordination agreement signed and executed by the mortgagees and/or lien holders shall accompany and be made part of the Declarations of Restrictive Covenants.

(d) The Declaration of Restrictive Covenants shall be executed with the same formality and manner as a warranty deed under the laws of the State of Florida.

(e) The City may also require that the property owners file additional documents with appropriate state and local agencies to ensure that the properties are treated for the purposes herein as a single building site. Such documents shall include, where appropriate, declaration of condominium, approved by the State of Florida and recorded in the public records of Palm Beach County. Copies shall be provided to the City together with the application for Declaration of Restrictive Covenant in lieu.

7. **Approval.** The Declaration of Restrictive Covenant shall be subject to review and approval by the City Attorney as to form and content, together with any additional legal instruments to preserve the intent of these land development regulations to promote single building sites and to properly enforce these regulations, Code of Ordinances, and Comprehensive Plan.

8. **Appeal.** Appeal of the Planning and Zoning Director's decision shall be to the City Council.

9. **Release.** A release of a Declaration of Restrictive Covenant shall require approval from the City Council upon review and recommendation by the Planning and Zoning Department. Approval shall be via a Resolution passed and adopted by the City Council and release executed by the City Manager and City Clerk. The Planning and Zoning Department and the City Council must find that upon demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.

10. **Recording.** The owner(s) shall pay all fees as required by these regulations and/or City's adopted fee schedule for the processing and recording of the Declaration of Restrictive Covenant. The Declaration of Restrictive Covenant shall be in effect for a period of thirty (30) years from the date the documents are recorded in the public records of Palm Beach County, Florida, after which they shall be extended automatically for successive periods of ten (10) years unless released pursuant to the Release provisions contained herein.

11. **Enforcement.** Enforcement of the declaration of restrictive covenant shall be by action at law or in equity with costs and reasonable attorney's fees to the prevailing party.

ARTICLE IV SITE DEVELOPMENT PERMIT

Section 5.50: Applicability. A Site Development Permit shall be required prior to commencement of any site improvement or construction, including required improvements, essential facilities or services.

Section 5.51: Effective Date. The effective date of the Site Development Permit shall be the date the permit is executed.

Section 5.52: Expiration Date. The permit shall expire not more than twenty-one (21) months from the effective date, unless extended.

Section 5.53: Application Requirements.

The application requirements listed below shall be deemed performed, accepted and approved by the City Engineer upon receipt of written Certification from SID's Engineer that the documents are in conformance and compliance with SID's standards and requirements for all drainage facility requirements contained herein.

(a) **Duties of developer's engineer.** When the development is to be engineered by more than one firm, the developer shall appoint a single entity to coordinate submission of the construction plans and construction of the required improvements.

(b) **Submittal requirements.** Construction plans and supplemental engineering information shall be submitted for each of the categories of improvements listed in this section. Plan sets shall be submitted in the number required by the City Engineer.

(1) Submittals for required improvements. The following construction plans shall be submitted for the required improvements set forth in **Sec. 5.38**, when applicable: Construction plans shall be signed and sealed by the preparing engineer.

(a) Paving, grading and drainage;

(b) Bridges;

(c) Water and sewer systems:

For technical compliance submittal: the proposed plans submitted for Public Health Unit approval;

For land development permit submittal: construction plans stamped with Public Health Unit approval.

(d) Photometrics for all non-residential parking lots and preliminary residential lighting plans.

(e) Signing and Pavement Markings

(2) Submittals for other improvements. Construction plans shall be submitted for the following additional improvements which the developer may elect to construct:

(a) Landscaping, guardhouse, gates or other structures within streets;

(b) Landscaping or structures in lake maintenance easements:

(c) **Completeness of construction plans.** All construction plan submittals shall be so complete as to be suitable for contracting and construction purposes. Design data, calculations and analyses shall be submitted to address important features affecting design and construction and shall include, but not be limited to, those for design high water, drainage facilities of all kinds, subsurface soil data, alternate pavement and subgrade types, and any proposed deviation from SID standard design requirements.

(d) **Format and content of construction plans for required improvements.** All construction plan submittals for the installation of required improvements shall consist of and contain, but shall not be limited to:

- (1) Cover sheet. A cover sheet showing the applicable plat name, sheet index, category of improvements, and, vicinity sketch.
- (2) Sections. Typical sections.
- (3) Construction details. Construction details showing compliance with SID standards, or with any alternate design approved by the SID and City Engineer.
- (4) Special profile sheets. Special profile sheets as required to show special or unique situations.
- (5) Bench mark. Bench mark based on NAVD (1988).
- (6) Notes. Notes regarding special conditions and specifications applicable to the construction, addressing:
 - (a) Required compliance with construction requirements of this chapter and the applicable City and SID standards;
 - (b) Required compliance with State standards applicable to the work;
 - (c) Minimum standards for materials;
 - (d) Test requirements for compaction or stabilization of subgrade, base, and backfill;
 - (e) Required installation of underground utilities and storm drainage located within the streets prior to construction of subgrade for street pavement;
 - (f) Special construction or earthwork requirements for site work in areas of impervious or unstable soils, or to cope with unsuitable soil conditions.

(7) Parking areas. Depiction of all parking areas required to be constructed clearly identifying and delineating each clustered lot and each parking area serving more than one clustered lot.

(8) Soils report. The Site Development Permit application shall include a soils report describing soil profiles of the work site to such depth and extent necessary to determine special design or construction needs. The Developer may submit as a part of the report a certified statement from an engineer that he has investigated the subsurface conditions of the site and has determined that such conditions are suitable for the work as shown on the construction plans. The soils report shall include:

- (1) Map. A map, drawn to stated scale, showing boring, penetrometer, and/or test pit locations.
- (2) Test results. Results of soil tests as it relates to the engineering design including soil permeability and soil strength parameters. Results of each boring or other soil test, keyed to the map.

- (3) Soil characteristics. Soil profiles according to the USDA, ASTM, or Unified standards soils classified system. Soil profiles. Soil profiles with horizons described according to the USDA, ASTM, or Unified standard soils classified system.
- (4) Muck, etc. Location and extent of muck, hardpan, marl, or other deleterious materials which may require special consideration in design or construction.
- (5) Groundwater conditions. A description of groundwater conditions which may require special consideration in design or construction.

Section 5.54: Application Package. The application package for a Site Development Permit shall be consistent with the requirements found in Chapter 2.

(a) Supplementary Documentation. Requirements for submittal of supplementary documentation deemed necessary by the City, such as deeds, easements, covenants and other recorded instruments creating rights or obligations for access, drainage, or utility services, which rights or obligations could not be established through dedications or reservations on the plat.

(b) Developer's Acknowledgement of Responsibility for Construction of Required Improvements - The application shall indicate whether the required improvements are to be constructed prior to recordation or after recordation of the plat or certified sketch and description. When the required improvements are to be constructed after recordation, the Developer shall submit a statement acknowledging responsibility for completion of said required improvements. The statement shall be in the form approved by the City Attorney and shall be executed by all owners shown on the applicable final plat. The statement shall be accompanied by a guarantee for completion of required improvements, pursuant to **Sec. 5.38.** Said guarantee shall meet the applicable requirements of **Sec. 5.38.**

Section 5.55: Substitution of Developers

(a) Voluntary substitution of developers. When there is a voluntary substitution of developers after the Land Development Permit has been issued but before the City has acknowledged completion of the required improvements, it shall be the responsibility of both developers to transfer the rights and responsibilities from the original developer to the succeeding developer. The original and succeeding developers shall make a joint application to the City Engineer for a transfer of the original developer's Site Development Permit. If the original developer posted a guaranty with the City for completion of required improvements, the succeeding developer must post a substitute guaranty in the current amount of the original developer's guaranty and in a form acceptable to the City Attorney. The application for transfer shall include the executed acknowledgment of responsibility for completion of required improvements.

(b) Involuntary substitution of developers. When a developer becomes the succeeding developer through foreclosure or some similar action and it is not possible to obtain the original developer's signature on a joint application for transfer of the Site Development Permit, the succeeding developer must comply with all provisions of **Sec. 8.15.1**, except that, in lieu of said original developer's signature, the succeeding developer shall submit a current certification of title, foreclosure judgment, or other proof of ownership of the lands encompassed by the plat referred to in the Site Development Permit.

Section 5.56 Alternative design, construction standards and types of materials. Alternate design, construction standards, and types of materials. Should the applicant elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be evaluated for adequacy on an individual basis. All such alternatives shall be submitted for approval by the City Engineer and SID.

(1) **Applicability.** Alternate designs, construction standards, and types of materials which, in the opinion of the City Engineer and SID, are equal or superior to those specified may be approved in accordance with this subsection.

(2) **Contents of application.** The application shall be submitted in a form established by the City Engineer and SID. Said application shall be accompanied by written data, calculations and analyses, and drawings which are necessary to show, by accepted engineering principles, that the proposed alternates are equal or superior to those specified or are necessary due to environmental considerations. Within fifteen (15) days of receipt of such application, the City Engineer and SID shall either approve or deny the application and shall advise the Developer's Engineer and the Developer in writing of the decision.

(3) **Environmental considerations.** In the interest of the preservation of existing trees and other natural features at the developer's request, or as required by other regulations, the City Engineer and SID may vary the design and construction requirements upon presentation by the developer of substantial evidence that environmental conditions will be enhanced, that proper performance of the approved stormwater management system will not be impaired, and that safety, stability, and design life of structural improvements will not be compromised.

Section 5.61. Utilities. All utilities, including power, light, telephone, cable television, wiring to street lights, and gas shall be installed underground, unless such requirement is waived by the City Engineer, as provided in this section. Utilities shall be constructed in easements as prescribed by this section and as depicted on the plat. The developer shall make arrangements for utilities installation with SID and each entity furnishing utility service involved.

(1) **Standard exception for appurtenant, on the ground facilities.** Appurtenances such as transformer boxes, pedestal mounted terminal boxes, meter cabinets, service terminals, telephone splice closures, pedestal type telephone terminals or other similar "on the ground" facilities normally used with and as a part of the underground distribution system may be placed above ground, but shall be located so as not to constitute a pedestrian and traffic hazard in accordance with the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways and the ADA Standards for Accessible Design.

(2) **Installation in streets or roads.** After the subgrade for a street or road has been completed, and before any material is applied, all underground work for the water mains, sanitary sewers, storm sewers, gas mains, telephone, electrical power conduits and appurtenances and any other utility shall be installed completely and in accordance with all applicable SID standards through the width of the street or road to the sidewalk area or provisions made so that the street or road will not be disturbed for utility installation. All underground improvements installed for the purpose of future service connections shall be properly capped and backfilled. Following such installation, the site must be restored in accordance with SID standards.

Section 5.62. Easements. Where necessary, utility easements of adequate width shall be provided to SID, consistent with SID requirements and shall provide for convenient access for maintenance. Where SID has existing facilities on a property, a utility easement of adequate width shall be provided to SID. Any other easement(s) for access, drainage or other proper purposes may be required by the City or SID.

Section 5.63. Access and Circulation Systems

(a) **Vehicular circulation systems.**

(1) Required improvement to be constructed by developer. All streets, alleys, and related facilities required to serve the proposed development shall be constructed by the developer. Construction shall consist of, but not be limited to, grading, base preparation, surface course, and drainage. All streets or roads, whether intended for dedication to the City and/or SID or reservation for private use and maintenance, shall be constructed to the minimum standards established by this chapter and the City/SID standards. Additionally, the developer shall construct any parking areas which provide access to any parcels that do not have direct, primary access from a local street, road or residential access street or road. Construction of such parking areas shall be completed prior to issuance of any Certificate of Occupancy for any dwelling unit located on a parcel served by such parking area. Construction of the parking areas may be done in conjunction with building construction on the lot or parking area is to serve provided, however, that construction shall be noted on the approved paving, grading and drainage plans in a form acceptable to the City Engineer or SID Engineer, as applicable. When the parking areas is to be completed in conjunction with building construction, the developer shall execute a certificate of compliance on a form approved by the Building Official prior to issuance of the certificate of occupancy for any dwelling unit or building served by such parking areas. Said certificate of compliance shall state that the parking area was completed in accordance with the requirements of these land development regulations.

(2) **Minimum legal access requirement.** There is hereby established a hierarchy of legal access as shown on Table 5-1. Except as provided below, each parcel or lot shall abut a street of suitable classification to provide said parcel or lot with legal access consistent with the standards set forth in Table 5-2.

(i) When legal access to a lot is permitted by these land development regulations to be by a common parking area which serves more than one (1) lot or parcel, it shall be dimensioned and depicted on the construction plans and reserved on the plat as a "parking tract". Said tract shall be reserved for parking and access purposes to the property owner's association having jurisdiction over the parking area and the abutting lots.

(ii) A common driveway may, with prior approval by the City Engineer, be utilized for legal access to a group of not more than four (4) abutting parcels or lots situated adjacent to a curve on a residential access street where said parcels or lots would otherwise have no reasonable means of obtaining direct access to or required frontage on the adjacent residential access street or road. Said driveway shall be delineated and reserved on the applicable plat for purposes of perpetual access to the parcels or lots served.

- (iii) A common parking lot may be utilized for legal access to individual parcels created by subdivision of a shopping center or similar building site under a common plan of development, developed solely for commercial or industrial uses where all parcels or lots within the boundary of such subdivision are served by said access and are subject to recorded shared access, maintenance, and use covenants approved by the City Attorney. Where such access is utilized, direct parcel or lot access on any street or road adjacent to the boundary of the subdivision shall be prohibited except at common access points approved for the subdivision as a whole.
- (b) **Road Classification.** Road Classification shall be classified in the following order of hierarchy:

TABLE 5-1 CHART OF ACCESS HIERARCHY

MAJOR ROADS:
Streets or Roads which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
• MINOR ARTERIAL
• MAJOR COLLECTOR
• MINOR COLLECTOR
Local Roads: Roads which constitute the internal circulation network of a development and which are not classified as a MAJOR ROAD will be classified as a local road. Listed from highest to lowest category:
• NON-RESIDENTIAL ACCESS
• RESIDENTIAL ACCESS (PRIVATE STREETS/ROADS ONLY)
• ALLEY

- (1) **Major Roads:** Roads which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
- (i) Minor Arterial
 - (ii) Major Collector
 - (iii) Minor Collector

(2) **Local Roads:** Roads which constitute the internal circulation network of a development and which are not classified as a Major Road will be classified as a local road. Listed from highest to lowest category:

- (i) Non-Residential Access
- (ii) Residential Access (private roads only)
- (iii) Alley

(c) **General design considerations.** The proposed street or road layout shall be integrated with the City's, SID's or County's traffic circulation network and shall be coordinated with the street system of the surrounding area. Streets or roads shall be classified and designed in accordance with the Traffic Circulation Element of the Comprehensive Plan, and the City standards. Consideration shall be given to:

- (i) The need for continuity of existing and planned streets or roads;
- (ii) Barriers imposed by topographical conditions and their effect on public convenience or safety;
- (iii) The proposed use of the land to be served by such streets or roads;
- (iv) The need for continuation of existing local streets or roads in adjoining areas not subdivided;
- (v) The proper projection of non-plan collector and plan collector streets or roads;
- (vi) The feasibility of extending the proposed street or road system to the boundary of the proposed subdivision to promote reasonable development of adjacent lands and to provide continuity of street or road systems; and
- (vii) Discouraging through traffic in the design of local and residential access streets or roads.

1. Unless otherwise stated herein, exceptions to dimensions shall only be permitted to accommodate turn lanes at the perimeter of a TMD, TND or TTD for turn lanes required by the City Engineer, or for roundabouts or other traffic calming measures typically associated with a TDD. This exception shall not be permitted for divider medians.
2. Parking lane dimensions include the curb and gutter dimensions.
3. Easements may be located inside or outside of the right-of-way.
4. The requirement for a sidewalk on one side of the street may be waived in specific cases where pedestrian access is not required based on building locations and other utilitarian purposes, subject to review and approval by the City Engineer.
5. Collector roads interior to a TND or TMD pod shall not be required to provide a designated bike lane when an 8' minimum sidewalk width is provided.
6. The typical cross-sections shall be included within the Design Standards for each pod and submitted to the City as part of the development review process.
7. Tree lawns may be incorporated into hardscape features such as sidewalk or outdoor seating areas with the use of tree grates or other similar amenities. The area of the tree lawn shall be in addition to the minimum sidewalk width.
8. Sidewalks shall provide a minimum of 5' clearance.

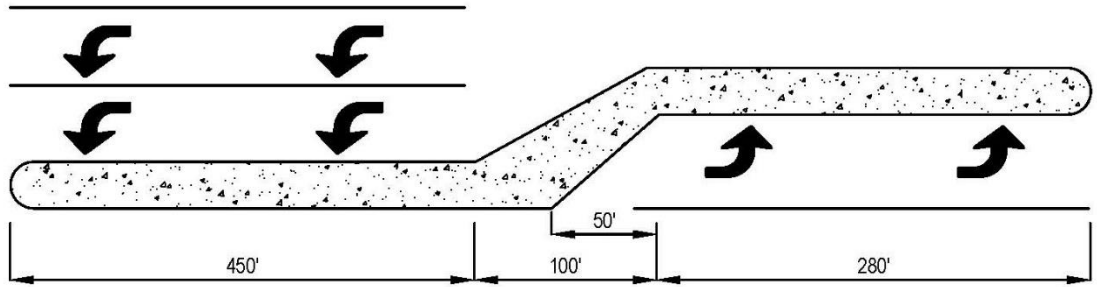
- (d) **Double frontage lots and parcels.** Where a lot or parcel has two (2) frontage lines, legal access to the lot or parcel shall be restricted as follows.
- (i) Residential lots. Where a lot abuts both a street of non-plan collector or higher classification and a local street or road, access to said lot shall be by the local street or road.
 - (ii) Non-residential lots or parcels. Where a lot or parcel abuts streets or roads of local or higher classification, access to the lot or parcel shall be by the street or road of lower classification, unless otherwise permitted by these land development regulations; provided, however, that access shall not be permitted on a local residential or residential access street or road as prescribed on Table 5-2. This requirement may be waived by the City Engineer based on justification provided by property owner or applicant.
- (e) **Construction in muck or clay areas.** Construction in muck or clay areas shall be done in accordance with the City and SID Standards, as applicable.
- (f) **Road/Street intersections and road/street jogs.** The centerline intersections of local or residential access streets or roads with non-plan or plan collector streets or roads shall be spaced a minimum distance of two hundred (200) feet, as measured along the centerline of the collector street or road. Intersections which warrant traffic signalization shall be spaced a minimum distance of thirteen hundred twenty (1,320) feet, centerline to centerline. Connection of local streets or road to arterial streets or roads may be permitted by the City Engineer only where other access is unavailable. **Local street or road jogs with centerline offsets of less than one hundred twenty-five (125) feet are prohibited.** This requirement may be waived by the City Engineer based on justification. (Suzanne?)
- (g) **Through and local traffic.** Through traffic shall be directed along collector streets or roads within the subdivision. Local streets or roads shall be laid out to accommodate local or neighborhood traffic and to discourage their use by through traffic.
- (h) **Alleys.** Alleys may be allowed in subdivisions when they are necessary, in the opinion of the City Engineer, for the safe and convenient movement of traffic and pedestrians. Alley intersections and sharp changes in alignment shall be avoided and alleys shall be constructed in accordance with the following:
1. Residential areas. Alleys shall be paved ten-feet wide in a minimum twelve-foot right-of-way, with appropriate radii for the intended use.
 2. Commercial and Industrial areas. Alleys shall be paved twenty (20) feet wide in a minimum twenty-foot right-of-way, with appropriate radii for the intended use, unless otherwise approved by Palm Beach County Fire.
 3. Residential alleys shall provide adequate lighting to provide safe access. (Prior City Council request, therefore not deleted)

Driveway and Access Requirements

<u>Roadway Section</u>	<u>Corner Clearance Distance (Arterial Road)</u>	Corner Clearance Distant (All other Roads)	Driveway Connection Spacing	Median Opening	Median Opening (From Arterial Road)	Signal Spacing
Collector Undivided	75ft	50ft	125ft	660ft	830 ft	0.25 mile
Collector Divided	75ft	50ft	125ft	660ft	830 ft	0.25 mile
Does not apply to single family residential driveway connections						

(i) **Road Requirements.** The following graphics, which are individually numbered 1 through 8, are collectively called Figure 5-1: Road Standards, and are regulatory in nature.

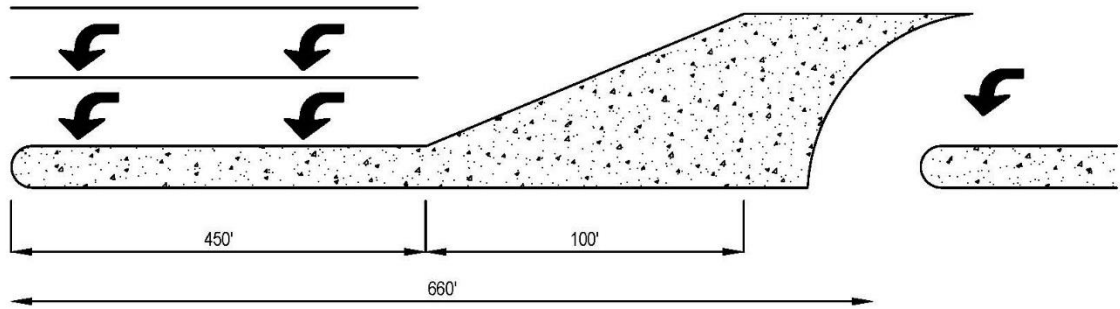
Figure 5-1 Road Standards:



**DUAL LEFT TURN LANES
(FULL MEDIAN OPENING)**

1

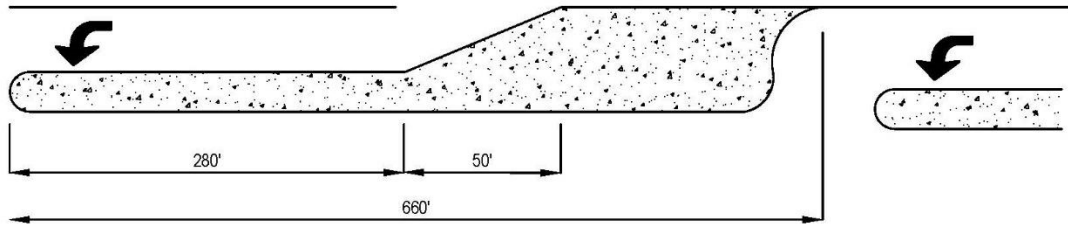
N.T.S.



**DUAL LEFT TURN LANES
(DIRECTIONAL MEDIAN OPENING)**

2

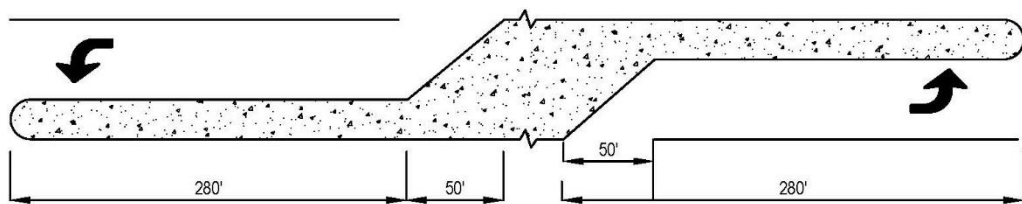
N.T.S.



**LEFT TURN LANES
(DIRECTIONAL MEDIAN OPENING)**

3

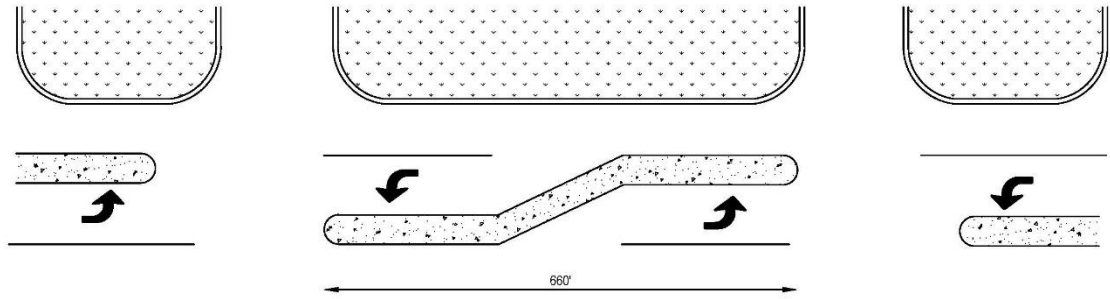
N.T.S.



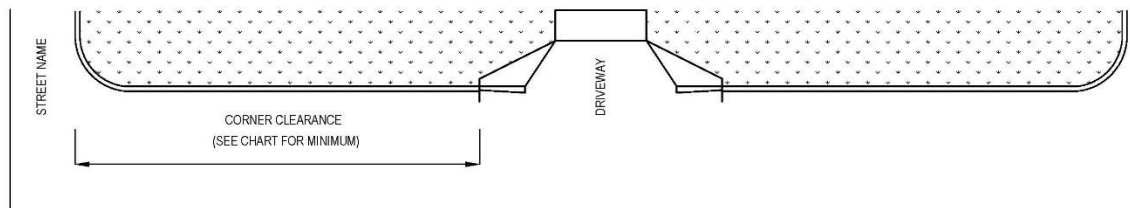
**SINGLE LEFT TURN LANES
(FULL MEDIAN OPENING)**

4

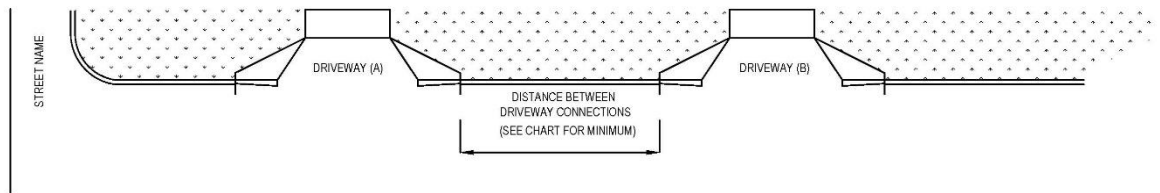
N.T.S.



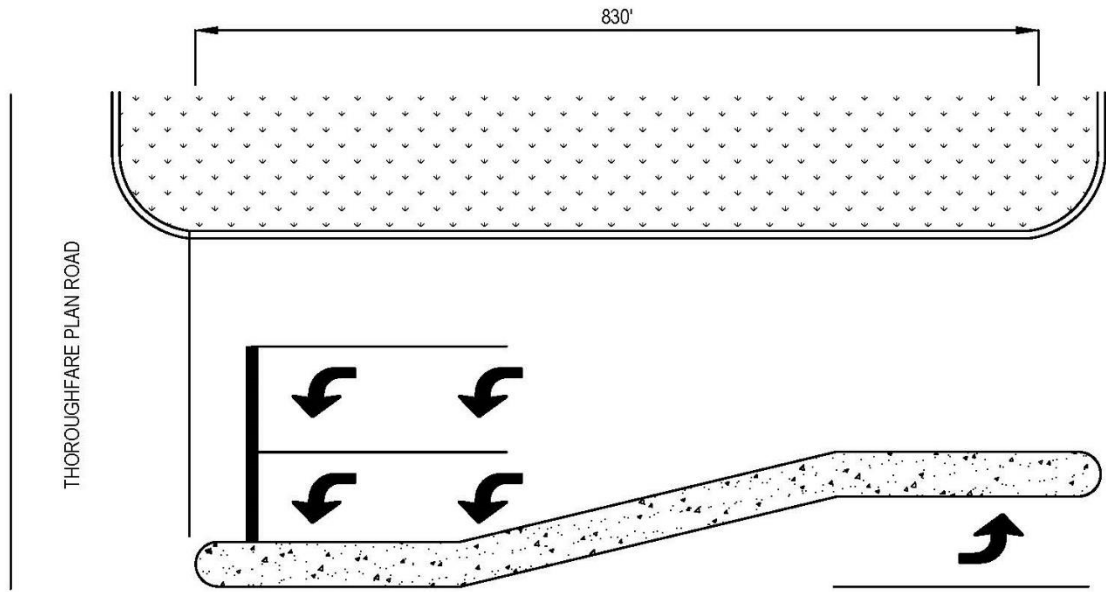
5 DISTANCE BETWEEN DUAL LEFT TURN LANES AND FIRST MEDIAN OPENING
 N.T.S.



6 CORNER CLEARANCE
 N.T.S.



7 DRIVEWAY DISTANCE
 N.T.S.



8 **THOROUGHFARE RD**
N.T.S.

(j) Bridges and culverts. Bridges or culverts shall be provided as necessary to facilitate the proposed vehicle and pedestrian system. The bridge or culvert requirement is subject to approval by the agency having jurisdiction over the facility being crossed. Bridges shall be designed in general accord with the current Department of Transportation practices and shall include planning for utility installation. They shall be reinforced concrete, unless other low maintenance materials are approved by the City Engineer or SID, as applicable. Bridges shall have a clear roadway width between curbs two (2) feet in excess of the pavement width in each direction and shall have sidewalks four (4) feet wide on each side. All bridge structures shall be designed for H-20-S-16-44 loading, incorporating adequate corrosion protection for all metal work and erosion protection for associated shorelines and embankments.

(k) Street or Road Markers. Street or road markers shall be provided at each intersection in a type, size and location approved by the City Engineer consistent with the current City Standards. Street name signs shall carry the street name shown on the plat of record and shall be in compliance with the current City Standards.

(l) Traffic control devices. The developer shall install traffic control devices and, where warranted, traffic signals on streets or roads within and interfacing with the subdivision. A traffic impact analysis meeting the approval of the City Engineer shall be used to assist in establishing the need for such signals.

(m) Pavement markings and/or lane delineators. Pavement markings and/or lane delineators meeting the requirements of the City, or Palm Beach County, as appropriate, shall be installed on

all arterial and collector streets. Pavement markings and/or delineators may be required on other streets or roads such as project entrances and parking lots, as determined by the City Engineer.

(a) **Design.** The design of traffic control devices shall be in accordance with the Manual for Uniform Traffic Control Devices and applicable City, SID, and Palm Beach County Standards.

(b) **Pavement widths.** Pavement widths for streets shall be in accordance with Table 5-2.

(n) **Dead-end streets.** All dead-end streets within the City shall be designed and constructed to end in a cul-de-sac. The City Engineer may approve an alternate turn around through the Planning and Zoning Director and the City's land development regulation process. Cul-de-sacs or other approved means of termini must be designated and constructed to meet the standards of the City and the Palm Beach County Fire Code. Dead-end streets shall not exceed one nine hundred (900) feet in length, or one thousand two hundred fifty (1,250) feet in length with a mid-block pedestrian pass through.

(o) **Materials and construction.** Pavement construction shall consist of, at a minimum, a subgrade, base and wearing surface. All materials and construction shall be in accordance with the current City and SID standards.

(p) **Shoulders.** All unpaved shoulders shall be constructed and grassed in accordance with the City and SID standards. Grassing, with seed and mulch or with solid sod, as required, shall be completed prior to acknowledgement of completion of the required improvements by the City Engineer. No time extensions to any contract for the construction of required improvement will be granted on the basis of incomplete shoulder treatment.

(q) **Street or road grades.** The longitudinal grade of street or road pavement shall be parallel to the design invert slope of the adjacent roadside drainage swale or gutter. Minimum longitudinal and transverse grades shall be in accordance with FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. Street or road grades shall be shown on the construction plans by indicating the direction and percent of slope. The horizontal distance along the centerline between, and pavement elevation at all points of vertical intersection shall also be shown.

(r) **Non-conforming streets or roads.** Streets or roads which do not meet the design and constructions standards of this chapter and the City and SID Standards shall not be permitted except where satisfactory assurance for dedication of the remaining part of the street or road or reconstruction of the street or road in accordance with current standards is provided. Whenever a tract to be subdivided abuts an existing partial street or road, the other part of the street or road may be required to be dedicated and constructed within such tract. A proposed subdivision that includes an existing street or road which does not conform to the minimum street or road width requirements of these regulations shall provide for the dedication of additional land for such street or road along either one (1) or both sides of said street or road so that the minimum cross-section dimension requirements of these regulations can be met. The City or SID shall not accept non-conforming streets or roads for ownership or maintenance through the procedures established by this chapter.

(s) **Limited access easements.** Limited access easements may be required along all non-collector streets and all major streets in order to control access to such streets from abutting property. Easements for controlling access to local and residential access streets or roads may be required by the City Engineer or SID, as applicable, in order to ensure continued control of access to such streets or roads

from abutting property. All limited access easements shall be conveyed or dedicated to the City and/or SID, as applicable.

(t) Street or road names. Proposed streets or roads which are in alignment with existing named streets or roads should bear the name of the existing street or road. All street names shall have a suffix and in no case, except as indicated in the preceding sentence, should the name of the proposed street or road duplicate or be phonetically similar to existing street or road names. All proposed street or road names shall be submitted to the City for approval prior to submittal of the Final Subdivision Plan and/or plat application.

(u) Alignment, tangent, deflection, radii. Streets shall be laid out to intersect as nearly as possible at right angles. Multiple intersections involving the junction of more than two (2) streets shall be prohibited. The point of curvature of any local street or residential access street shall not be closer than one hundred (100) feet to any intersection, measured along the centerline from the extension of the intersecting street lines. (SUZANNE -agree to delete?) Reverse curves shall be prohibited. Reversals in alignment shall be connected by a straight tangent segment at least fifty (50) feet in length. All intersections shall be designed to provide at least the minimum stopping and turning sight distances, in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. When the centerline of a local street deflects by more than ten (10) degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort. Street pavement return radii shall be a minimum of thirty (30) feet.

TABLE 5-2

Road Minimum Design Standards for Local Roads

Type of Road	Road R-O-W Width	Travel Lanes		Curb & Gutter	Parking Lane (1)	Bicycle Lane	Sidewalk/ Pathway (7)	Utility Easement (2)	Tree Lawn (6)
		No.	Width						
Commercial Road	44 ft (3)	2	11 ft.	2 ft.	8 ft. (One side)	No	8 ft. (3)	No	5'
Local Commercial Road	50 ft	2	11 ft.	2 ft.	8 ft. (optional)	No	8 ft.	10'	5'
Collector: Without on-road parking	60 ft	2	11 ft.	2 ft.	Optional	5 ft. (both sides)	8 ft.	10 ft.	5'
Collector: With on-road parking	70 ft	2	11 ft.	2 ft.	8 ft.	5 ft. (both sides) (4)	8 ft.	10 ft.	5'
Local Residential Road	44 ft	2	10 ft.	2 ft.	8 ft. (optional)	No	5 ft.	10 ft.	5'

Notes:

1. Parking lane dimensions include the curb and gutter dimensions.
2. Easements may be located inside or outside of the right-of-way.
3. The requirement for a sidewalk on one side of the road right of way may be waived in specific cases where pedestrian access is not required based on building locations and other utilitarian purposes, subject to review and approval by the City Engineer.
4. The typical cross-sections shall be included with the Design Standards for each pod and submitted to the City as part of the development review process.
5. Tree lawns may be incorporated into hardscape features such as sidewalk or outdoor seating with the use of tree or other similar amenities. The area of the tree lawn shall be in addition to the minimum sidewalk width. Tree lawns may not overlap utility easements.
6. Sidewalks shall provide a minimum of 5' clearance.

(v) Street Lighting

(1) Street or road lighting may be designed in accordance with FPL, FDOT, or IESNA-recommended practices.

(2) Residential Developments. The applicant, its successors and assigns shall be responsible for providing street lighting as part of any development or subdivision infrastructure. Residential developments shall have, at minimum, light poles approximately every 150 feet on center, staggered. Each fixture shall have a minimum of 5962 lumens, as evidenced by the spec sheet for each pole and bulb.

(3) House shields, or equivalent, shall be required for all fixtures located within 25 feet of a residential lot.

(4) Light fixtures shall not exceed 25 feet in height in vehicle-use areas or 12 feet in height in pedestrian areas.

(5) Non-Residential Developments. This paragraph does not apply to residential developments.

(a) **Purpose and Intent.** It is the intent of this paragraph to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all non-residential property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaries and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, eliminate the increase of lighting levels on competing sites, provide safe roadways for motorists, cyclists and pedestrians, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

(b) **Applicability.** All non-residential outdoor lighting shall be subject to the requirements of this paragraph, including Table 5-3, Illumination Levels, and Table 5-4, Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Planning and Zoning Director pursuant to Chapter 2 of these LDRs.

(i) **Conflict.** In the case of a conflict between this Section other provisions of this Code, or other applicable codes, the more strict regulation shall apply.

(ii) Non-conforming Lighting. All luminaries in that do not comply with the standards of this Section shall be subject to the same limitations on expansion, maintenance, relocation, damage repair and renovations as other non- conforming uses, pursuant to requirements for non-conforming uses.

(iii) Exemptions. The following uses shall be exempt to the extent listed below:

1. Temporary Lighting. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare.
2. Landscape and Accent Lighting. Landscape and Accent Lighting fixtures that comply with the Florida Building Code, Chapter 13 Section 13-415.1ABC.2.1 efficacy requirements shall be exempt. All exempt Landscape and Accent Lighting fixtures must have a locking mechanism and a glare shield so that light is aimed, and remains aimed at the surface intended.

(iv) Prohibited Outdoor Lighting. The following types of outdoor lighting are prohibited:

1. Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard;
2. Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director or City Engineer;
3. Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law;
4. Any drop lens fixture or fixture that does not meet the IESNA Full-Cutoff classification of 0% of lumens above 90 degrees from nadir. This includes, but is not limited to, parking lot fixtures, building façade fixtures, and other non-landscape lighting fixtures.
5. Animated lighting.

(a) Deviations. Lighting may vary from this Section to the extent necessary to comply with the following:

1. Section 655.962, Florida Statutes, related to ATM lighting;
2. Section 812.173, Florida Statutes related to parking lots for convenience businesses;
3. Lighting on Public Schools required by FBC Chapter 423, and the SDPBC Electrical Design Criteria;
4. Airport Lighting regulated by State or Federal law;
5. Lighting for obstructions to air navigation as provide U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K;
6. Lights required on vehicles under state uniform traffic control statutes or for vessels under vessel safety statutes under Chapters 316 and 327, Florida Statutes;
7. Lighting for public health required by Chapter 381, Florida Statutes;
8. Electrical code statute requirements under state building code;
9. Section 553.963, Florida Statutes and Section 553.904, Florida Statutes, Efficiency and Energy Conservation Statutes under Building Code Standards;
10. Lighting for communication towers;

11. Other federal, state and local laws and regulations that may apply.

(c) **Non-Residential Photometric Lighting Plan Submittal Requirements.** All non-residential land development permit applications that include the use of external luminaries, or luminaries visible from the exterior of a structure shall include an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaries, and photometrics in foot-candle output of all proposed and existing luminaries on-site. On-site lighting to be included in the calculations shall include, but is not limited to, lighting for parking lot, canopies, recessed lighting along the building and/or overhang. Each plan shall include any calculations or modifications required to comply with items listed as Deviations above in subparagraph (a). The photometric plans shall include the following:

(i) A table showing the average, minimum, and maximum foot-candles, average to minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire heights. Maximum photometric calculation grid shall not exceed ten feet.

(ii) Manufacturer's catalog cuts that provide a description of the luminaries, including wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control devices and mounting devices.

(iii) All photometric plans must be signed and sealed by a licensed engineer, architect or Landscape Architect.

(iv) A Certificate of Compliance signed and sealed by a licensed engineer, architect or Landscape Architect, must be submitted prior to the issuance of a Certificate of Occupancy.

(v) The photometric plan shall not include time averaging or other alternative methods of measurement. A Light Loss Factor (LLF) shall be used for the calculations in a photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal Halide, 0.81 for High Pressure Sodium and 0.95 for LED, based on manufacturers' initial lamp lumens.

(d) **Standards.** The following standards apply.

(i) **Confinement.** All outdoor lighting shall utilize full cutoff luminaries per the Illuminating Engineering Society of North America (IESNA) definition of full cutoff which allows for 0% of lumens above 90 degrees from nadir. No luminaries other than landscape lighting exempted per E.2.c.4, shall be directed upwards to avoid urban sky glow. In the U/S Tier, accent and landscape luminaries not exceeding 100 watts.

(ii) **Light Trespass.** The maximum illumination at the property line of an adjoining residential parcel or public ROW is 0.33 horizontal and vertical foot-candles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level.

Security Lighting and Time Restrictions.

(i) Full cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting.

(ii) Outdoor illumination, including but not limited to, areas used for outdoor sales and display, eating, parking, assembly, service, storage of equipment and freight, loading and unloading, repair, maintenance, commercial activities, and industrial activities shall not continue after 11:00 P.M., or no more than one hour after active use of the area ceases, whichever is later, except for security lighting.

(iii) Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots. All security lighting shall maintain an average of 0.75fc, a minimum of 0.3fc and a maximum of 3fc from dusk until dawn.

(iv) No outdoor recreational facility shall be illuminated after 11:00 P.M. except to conclude a scheduled and sanctioned recreational or sporting event by Palm Beach County or other authorized agency in progress prior to 11:00 P.M. The luminaries shall be extinguished after outdoor recreational events are completed and the site has been vacated.

1. Exceptions:

a. Public recreational facilities such as boat ramps, fishing piers, or other similar facilities that operate or are open to the public on a 24 hour basis.

(i) Automatic timing devices with a photosensor or an astronomical timeclock, which control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots and parking garages. These devices may remain on Eastern Standard Time throughout the year.

(f) **Illumination Levels.** Table 5.E.4.D, Illumination Levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios.

Table 5-3 Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average Min Ratio
Building and Accessory Structures				
Pathway Lighting (2)	5.0 (5)	-	-	-
Canopies, Drive-thru and Overhangs	30.0.	3.0	10:1	2.5:1
Parking Lots				
Multi-family Residential	3.0	0.3	10:01	-
All Others	12.0	1.0	12:01	3:1
Parking Structures				
Parking area	10.0	1.0	10:1	4:1
Ramps - day	20.0	2.0	10:1	-
Ramps – night	10.0	1.0	10:1	-
Entrance Area – day	50.0	5.0	10:1	-
Entrance Area – night	10.0	1.0	10:1	-
Stairways	-	10.0	-	
Property Boundary	Refer to Light Trespass			
Roads				
Non-residential/Mixed Use	Per IESNA Lighting Handbook or Public Utility			
Specialty Lighting (4)				

Golf Courses	Per IESNA Lighting Handbook			
Outdoor Entertainment				
Parks				
Other Lighting Types				
Outdoor Display and Storage for vehicle sales and rental.	15 (3)	1.0	15:1	4:1
Other----- Outdoor Display and Storage Areas	20	1.0	15:1	4:1
Outdoor Work Areas	20	1.0	15:1	4:1
Notes				
1. Measured in foot-candles. 2. Building or accessory mounted luminaires used to light parking lots shall comply with Parking Lot illumination levels. 3. May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100' from a ROW.				

(g) **Luminaire Heights.** Table 5-4, Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure mounted luminaires.

Table 5-4: Maximum Permitted Luminaire Height

Location	Maximum Height
Building and Accessory Structures	
Buildings	25 feet or eave overhang, whichever is lower (unless required by the Florida Building Code)
Accessory Structures	10 feet
Parking Lot	
Residential	20 feet
Industrial	40 feet
Commercial, Civic and Institutional	30 feet, or equal to the height of the building up to a maximum of 40 feet
Parking Structures	
Luminaires on top parking level.	20 feet or 25 feet (4)
Luminaires within 100 feet of residential (2)	20 feet
Roads	
Non-residential/Mixed-Use	18 feet
Specialty Lighting (3)	
Golf Courses	Per IESNA Lighting Handbook
Outdoor Entertainment	
Parks	
Notes:	
1. For the purposes of this table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation. 2. The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential. 3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting. 4. Minimum setback shall be 45 feet from exterior edge of wall for all luminaires, except luminaires mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall.	

(h) **Measurement.**

(i) Illumination levels shall be measured in foot-candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level.

(ii) For the purpose of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level.

(i) **Street Lighting.**

- (i) Street lights shall be provided along all streets 50-feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street.
- (ii) Decorative street lights shall be provided along the entrance for any PUD development.
- (iii) When street lighting is installed on a private street it shall be maintained by a POA.
- (iv) Street lights shall be wired for underground service.

a. **Applicant's duty.** Upon issuance of the Site Development Permit, the applicant shall coordinate the construction with SID.

b. **Time of completion of required improvements.**

(1) Time of completion. The time of completion of all required improvements shall not exceed twenty-four (24) months from the date of issuance of the Site Development Permit unless an extension is granted pursuant to this section.

(a) Street lighting facilities shall be provided and installed in all subdivisions. The minimum requirement for such lighting facilities shall be one (1) foot candle average maintained. However, no luminance ratio shall exceed twelve-to-one (12:1). A detailed plan showing the light standards, the locations of the light, wiring diagram and construction details, for the system shall be submitted to the engineering department.

(b) If street lighting is installed it shall be maintained by a property owners' association and said association should not be created exclusively for the purpose of maintaining street lighting. Unless street lighting installation conforms to the standards of the requisite utility company, street lights shall be placed outside of rights of way, road tracts, or any other areas designated for road purposes. Streets lighting shall be wired for underground service except where aerial service is permitted pursuant to Sec. 8.7.3 or Sec. 8.27.3.

(5) A Certificate of Compliance signed and sealed by a licensed engineer, architect or Landscape Architect, must be submitted prior to the issuance of a Certificate of Occupancy.

Section 5.77 Median strips. Median strips which are part of a public street or road may not be utilized for any purpose other than by the City, SID or public utility. However, a developer, an applicant or property owner may install landscaping in a median strip or within shoulders in accordance with Chapter 4 and Chapter 6 of the land development regulation and permitting requirements as established by the City Engineer, or other applicable codes or requirements.

Section 5.78 Subdivision entranceways. Subdivision entranceways consisting of walls, fences, gates, rock piles or other entrance features are not permitted within the median strip or other areas in a public street or road right of way. Decorative entranceways must be constructed upon plots of land adjacent to a public street or roads in compliance with applicable City codes and placed so as not to constitute a traffic hazard.

Section 5.79 Guardhouses. A gated access located so as not to create a traffic hazard, may be constructed in the median of an entrance to a subdivision having only private streets. The minimum setback to a gated access shall be one hundred fifty (150) feet, measured from the extension of the intersecting street lines, unless waived by the City Engineer. Two (2) lanes shall be required on each side of the median in the area of the gated access. The number of lanes and required stacking may be waived by the City Engineer based upon an approved traffic study.

Section 5.80 Pedestrian circulation system

(a) Requirement for sidewalks and shared use paths. Sidewalks or shared use paths shall be constructed on both sides of all streets or roads. Required sidewalks shall be constructed by the Developer. For roads abutting residential parcels, Developer may construct required sidewalks and shared use paths concurrent with construction off residential parcels abutting local roads or streets, or concurrent with the construction of the local road or street.

(b) Maintenance responsibility of sidewalks and paths. The control, jurisdiction and maintenance obligation of paths not located wholly within a street or road and of sidewalks within private streets or roads shall be placed with a property owners association, the City or SID, as applicable. Where such control and maintenance obligation is to be placed with the City or SID, the City or SID shall expressly accept said obligation upon the plat or by a separate instrument filed in the Public Records.

Section 5.81 Reduction of road or street width. When pedestrian circulation is to be accomplished solely by paths constructed outside the streets or road, the City Engineer may approve a concurrent request by the developer to reduce local street or road widths by no more than eight (8) feet if such reduction would neither reduce the vehicular carrying capacity and safety of the streets or road nor compromise the safety of pedestrians.

Section 5.82 Block length. When the block length exceeds nine hundred (900) feet, crosswalks between streets may be required where deemed necessary by the City Engineer to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Section 5.83 Clearing, Earthwork, and Grading. The developer shall grade and fill the land pursuant to this chapter.

(a) **Minimum required improvement.** The Developer shall be required to clear all rights-of-way and to make all grades for streets, parking tracts, lots, and other areas proposed to be developed, compatible with on-site tertiary drainage patterns established by the approved drainage design.

(b) **Unsuitable materials.** The Developer shall remove and replace unsuitable materials. Replacement of unsuitable materials within streets and proposed public areas shall be satisfactory to and meet with the approval of the City Engineer, who shall require such soil tests of the backfill and the underlying strata at the cost of the Developer as may be deemed necessary to ascertain the extent of required removal, suitability of replacement material, and acceptability of the proposed method of placement.

Section 5.84 Stormwater Management. The developer shall install the secondary and tertiary stormwater systems for the development in accordance with this chapter. On lots intended for building

construction, the final grading of each lot, or the applicable approved grading plan, shall be done in conjunction with and pursuant to the building permit for said construction.

The entirety of the City is located within SID jurisdictional boundaries. SID owns and operates the stormwater management system for the area including the City pursuant to permit from South Florida Water Management District. SID owns and operates the primary and secondary water management system. No construction or alternation of any stormwater management system in the City, or connection to or impact upon the works of SID, may be made without a permit from SID, and a permit modification from SFWMD, if necessary. The following shall be the minimum required improvement for all developments to implement the level of service under the Drainage and Capital Improvements Elements of the Comprehensive Plan, subject to the master drainage permits [add specific permit number] and SID's standards.

(1) The following shall be the minimum required improvement for all developments to implement the level of service under the Drainage and Capital Improvements Elements of the Comprehensive Plan.

(a) **Tertiary System.** A complete, fully functional tertiary stormwater drainage system, including necessary lot grading, ditches, canals, swales, storm sewers, drain inlets, manholes, headwalls, end-walls, culverts, and other appurtenances, shall be required for the positive drainage of storm water runoff in conformance with the approved drainage plans.

(b) **Secondary System.** A complete and fully functional secondary stormwater system shall be required in conformance with the approved storm drainage plan.

(c) **Conveyance.** A means to convey all stormwater discharge from the development site to at least one (1) point of legal positive outfall into the SID system shall be provided as an integral part of the required stormwater management system, including construction of all necessary conveyance facilities and establishment of appropriate easements for operation and maintenance of said off-site facilities.

(e) **Facilities.** All facilities necessary to meet requirements for stormwater treatment, off-site discharge control, and conveyance of existing inflows applicable to that portion of the site under construction must be in place and operational at the time of commencement of vertical construction. The facilities may be temporary for construction phasing. The facilities shall be maintained by the applicant/Developer until such time that all permanent required improvements are acknowledged as complete and turned over to the appropriate operational entity.

Section 5.85 General Requirements:

(a) **Design and Installation.** Each new development shall include a stormwater management system designed and installed according to applicable regulations of the SFWMD and SID.

(b) **Prevention.** Prevent flooding and inundation to a degree consistent with levels of protection adopted by the Comprehensive Plan for buildings, streets, lots, parking areas, recreational areas, and open space;

- (c) **Runoff Rates.** Maintain stormwater runoff rates at levels compatible with safe conveyance and/or storage capacities of drainage facilities and established legal limits applicable to receiving waters at the point of discharge; as required by applicable regulations of SID;
- (d) **Water Quality.** Mitigate degradation of water quality and contravention of applicable state water quality standards in surface and groundwaters receiving stormwater runoff;
- (e) **Conveyance.** Provide facilities for conveyance to legal positive outfall of all allowable discharges of stormwater runoff from each development site without causing or contributing to inundation of adjacent lands;
- (f) **Continued Conveyance.** Provide for continued conveyance of pre-development stormwater runoff and surface waters that flow into or through the development site from adjacent lands;
- (g) **Operation and Maintenance.** Provide for long-term, low maintenance, low cost operation by normal operating and maintenance methods;

Section 5.86 Hydrologic Design Data: Unless otherwise specified by a particular design or performance standard, or approved by the City Engineer based on justification submitted by the developer's engineer for an individual case, hydraulic and hydrologic data used in design of stormwater management facilities shall be based on:

- (a) **Rainfall Intensity.** Rainfall intensity-duration-frequency curves for FDOT and/or SFWMD;
- (b) **Rainfall Hyetographs.** Rainfall hyetographs of twenty-four-hour and seventy-two-hour total rainfall as published in South Florida Water Management District Management and Storage of Surface Waters Permit Information Manual -Volume IV;
- (c) **Rainfall Distribution.** Rainfall quantity (or intensity) vs. time distributions in accordance with those published by South Florida Water Management District;
- (d) **Runoff Characteristics.** Post-development runoff characteristics, such as slopes, available soil storage, runoff coefficients, ground cover, channelization, and overland flow routing, applicable to the development site and contributory off-site areas after complete development has occurred;
- (e) **Tailwater Elevation.** Maximum operating tailwater elevations at the outlet of each conveyance or discharge facility, determined as the maximum hourly average receiving water surface elevation resulting from a twenty-four-hour duration rainfall with a return period equal to that of the design storm applicable to the facility, or as otherwise established by the agency having operational jurisdiction over the receiving water elevation. SID will provide tailwater elevation for connections to the master system.

Section 5.87 Design Flood Elevation Determination: Sites shall be designed so they do not retain water above the finished floor elevation of any structure located on the site. Unless otherwise specified by a particular design or performance standard, the one hundred-year flood elevation applicable to a development site shall be determined as the highest of .

(a) **Flood Elevation.** The base flood elevation specified for the area of development located within zones as delineated on the appropriate Federal Flood Insurance Rate Map (FIRM);

(b) **Building Elevation.** Building elevation established in the SFWMD Environmental Resource Permit Number 50-00021-S (SID Conceptual Permit).

Section 5.88 Tertiary Stormwater System Design and Performance: The tertiary system shall consist of all drainage features and facilities such as storm sewerage, swales, gutters, culverts, ditches, erosion protection, and site grading necessary for the immediate drainage and rapid removal of stormwater from building sites, streets, and areas of other land uses subject to damage or disruption by inundation in accordance with acceptable levels of service as established by the Comprehensive Plan.

(a) **Parcel or Lot and Building Site Drainage.** In order to provide for such levels of service, tertiary drainage for lots and buildings shall meet the following minimum requirements:

(i) The minimum finished floor elevation of the principal building(s) to be constructed on a parcel or lot or portion thereof shall be the highest of:

1. a minimum of 12 inches above the one hundred-year flood elevation applicable to the building site.
2. The minimum finished floor elevation of the principal building(s) to be constructed on a lot or portion thereof shall be 18-inches above the adjacent crown of road.
3. The requirements of the SID conceptual permit, SFWMD Environmental Resource Permit Number 50-00021-S, as it may be amended.
4. ASCE 24 Flood Resistant Design and Construction

(ii) Site grading immediately adjacent to the perimeter of each building shall be sloped so as to drain away from the structure.

(iii) Each single family residential lot shall be graded to drain along or within its property lines to the street or parking area providing immediate access, unless adequate common drainage facilities in expressed drainage easements with an established maintenance entity are provided to accommodate alternative drainage grading.

(b) **Local Street/Road Drainage.** Local road/streets shall have tertiary drainage meeting or exceeding the following minimum requirements.

(i) Conveyance capacity of road drainage facilities shall be based on peak runoff resulting from the three-year, one day rainfall event; and

(ii) Roadside swales shall conform to applicable City and SID standards and shall be designed and constructed such that:

1. The flowline gradient is at least 0.30 percent, but not greater than 2.5 percent unless approved erosion protection is provided;
2. The flowline gradient is equal to or slightly exceeds the longitudinal gradient of adjacent pavement;

3. The water surface elevation of swale flow resulting from peak runoff based on the three-year, one day rainfall event shall not exceed the adjacent edge of pavement at any point along the swale run. However, at least one (1) storm sewer inlet or other acceptable discharge facility shall be provided for every six hundred (600) linear feet of swale, and no single swale run shall exceed four hundred (400) feet to an inlet unless approved by the City Engineer or SID; and
 4. The soil adjacent to each inlet is protected from local scour by installation of a four-foot wide perimeter apron of sod or concrete.
- (iii) Curb and gutter drainage shall conform to applicable City standards and shall be designed and constructed such that:
1. The flowline gradient is at least 0.30 percent;
 2. The water surface elevation of flow resulting from peak runoff based on the three-year, one day rainfall event shall not exceed the adjacent centerline elevation of pavement at any point. However, at least one (1) storm sewer inlet or other acceptable discharge facility shall be provided for every six hundred (600) linear feet of pavement, and no single gutter run shall exceed four hundred (400) feet to an inlet; and
 3. Surface flow of runoff across street intersections is prevented by provision of corner inlets and cross drains or by grading of gutters to flow away from the intersection.
 4. The width of stormwater flow within and along curb and gutter resulting from a rainfall intensity of 4.0 inches per hour shall not encroach more than half-way into the outside travel lane.
- (c) **Collector Street Drainage.** Collector streets shall have tertiary drainage meeting all appropriate requirements for minor streets except that:
- (i) Conveyance capacity of road drainage facilities shall be based on peak runoff resulting from the five-year, one day rainfall event; and
 - (ii) The water surface elevation of gutter flow resulting from peak runoff based on the five-year, one day rainfall event shall not exceed the adjacent centerline elevation of the outermost travel lane at any point.
 - (iii) The width of stormwater flow within and along curb and gutter resulting from a rainfall intensity of 4.0 inches per hour shall not encroach more than half-way into the outside travel lane.
- (d) **Parking Area Drainage.** Each residential parking area serving three or more dwelling units and all non-residential parking areas shall have tertiary drainage meeting all appropriate requirements for parking lots except that:
- i. Conveyance capacity of parking lot drainage facilities shall be based on peak runoff resulting from the three-year, one day rainfall event; and

- ii. Elevations of parking areas shall be above the resulting water elevation in the master stormwater system of the ten-year, one-day storm rainfall event per the Comprehensive Plan.

(e) **Stormwater.** Stormwater shall be designed and constructed so as to meet or exceed the following requirements:

- i. Where not otherwise specified, all drainage system capacity design shall, at a minimum, provide for conveyance of peak inflow from the applicable catchment, based on the FDOT 10 three-year, one day rainfall event, such that the hydraulic gradient elevation does not exceed the grate or cover elevation at any inlet or manhole under tailwater conditions.
- ii. Inlet times assumed for determining required street drainage system capacity shall not exceed ten (10) minutes, unless adequate justification for use of longer times is submitted.
- iii. The maximum hydraulic grade line (HGL) shall be 12-inches below the grate elevation if minor losses are not accounted for. The maximum HGL shall be at the grate elevation if minor losses are accounted for.
- iv. Drainage pipe shall have a nominal diameter of not less than fifteen (15) inches, or equivalent elliptical pipe size.
- v. A suitable access structure such as a manhole, junction box, or inlet must be installed at each junction or change in pipe size, slope, or direction.
- vi. The maximum pipe run between access structures shall be:
 - Three hundred (300) feet for fifteen (15) inches and eighteen (18) inches pipe
 - Four hundred (400) feet for twenty-four (24) inches - thirty-six (36) inch pipe
 - Five hundred (500) feet for forty-two (42) inches and larger pipe.
- vii. All pipe used in the storm sewer system shall conform to current ASTM, AASHTO, or ANSI standard specifications for materials and fabrication of barrel and joints and shall meet current FDOT standard specifications and policies applicable to the intended use.

Section 5.90: Secondary Stormwater System Design and Performance:

Secondary Systems: The secondary system, including all facilities and appurtenant structures for detention, retention, discharge, and conveyance to legal positive outfall, shall be designed and constructed to provide the degree of treatment and control of all stormwater runoff discharged from a development site necessary to meet the requirements of the agency having jurisdiction over receiving waters at each point of legal positive outfall.

- (a) Secondary facilities for development subject to permitting by individual or general permit from South Florida Water Management District pursuant to Chapters 40E-4, 40E-40, or 40E-41, F.A.C., shall meet all requirements for issuance of the applicable permit; and
- (b) Secondary facilities shall meet standards of SID.

Section 5.91: Drainage and Maintenance Access Rights:

Drainage and maintenance access rights shall be in accordance with SID and SFWMD requirements.

Section 5.92: Certificate of Compliance for Parcels or Lots:

When the finished lot grading is to be completed in conjunction with building construction, prior to issuance of the Certificate of Occupancy the developer/applicant shall submit to the City Engineer and SID a Certificate of Compliance from a Florida registered professional surveyor, engineer, or landscape architect. Such statement shall be in a form approved by the Building Department and shall state that grading was done in accordance with the approved grading plan for the subdivision.

Section 5.93: Storm Drainage Plans:

The storm drainage plan shall include, as a minimum, the following design data and information:

- (a) Basin Maps. Pre-development and post-development drainage basin maps showing site topography, drainage basins, catchment areas, and stormwater inflow/outflow locations for the site;
- (b) Site Characteristics. Post-development site characteristics affecting runoff such as ground cover, soil profile, wet season mean high water table elevations and recurring high water elevations in receiving watercourses or water bodies;
- (c) Catchment Area. Individual catchment area characteristics used for design, including area, times-of-concentration, runoff factors, and quantitative breakdown of pervious/impervious areas;
- (d) Design. A statement of applicable design and/or performance assumptions and criteria for each part of the system providing drainage, treatment, or discharge control;
- (e) Positive Outfall. Evidence of existing access to legal positive outfall(s);
- (f) Calculations. Complete hydrologic and hydraulic calculations for design of storm sewers, retention/detention area, and discharge structures;
- (g) Use of standard methods. Identification of standard methods and/or proprietary models used for hydrologic and hydraulic analysis, noting that methods or models other than those of the Department of Transportation, South Florida Water Management District, SCS, the rational method, the SBUH method, the Puls method or common modifications of such methods, may require additional documentation;
- (h) Agency requirements. A listing of specific City, County, SID or South Florida Water Management District requirements used as the design basis for street drainage, lot grading, finished floor elevations, floodplain storage compensation, retention/detention volumes, and discharge limits; and
- (i) Table of Results. A table detailing the peak stages for each design storm evaluated at the significant junctions or facilities as well as peak flows at the positive outfall;
- (j) Requirements for Construction and Maintenance. Requirements for construction and maintenance of any temporary or phased stormwater management facilities necessary to ensure proper stormwater control and treatment.

ARTICLE VII: Flood Resistant Development

Section 5.94

- (a) **Buildings and Structures:** Buildings, structures and facilities shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24 and this chapter.
- (b) **Subdivisions Minimum Requirements:** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonable safe from flooding;
 2. All public facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided to reduce exposure to flood hazards; adequate drainage paths shall be provided to guide flood waters around and away from proposed structures.

Section 5.95 Erosion control measures. The following erosion control measures apply.

- (a) **Applicability.** Erosion control measures are required for the following sites of land disturbing construction or land development activities:
1. Sites requiring a filing of plat, involving the construction of or additions to houses, duplexes, condominiums, townhouses, apartments or construction of or additions to commercial, industrial, or institutional buildings.
 2. Sites on existing parcels or lots of record involving the construction of or additions to houses, duplexes, condominiums, townhouses, apartments or the construction of or additions to commercial, industrial, or institutional buildings.
 3. Sites involving grading, removing of protective ground cover or vegetation, excavating, land-filling or other land disturbing activities affecting a surface area of 4,500 square feet or more.
 4. Sites involving excavating or land-filling or a combination of excavating and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.
 5. Sites involving street, road, highway, road or bridge construction, enlargement, relocation or reconstruction excluding FDOT construction exempted by subsection 94-316(b)(3).
 6. Those sites involving the laying, repairing, replacing or enlarging of an underground pipe, utility main or similar facility for a distance of 300 feet or more.
- (b) **Stormwater Pollution Prevention Plan.** All sites for which erosion control measures are required, shall comply with the City and SID's stormwater management program and shall submit a stormwater pollution prevention plan (SWPPP) for approval by City and SID.
- (1) The approved stormwater pollution prevention plan (SWPPP) shall be maintained by the permittee or landowner during the entire period of the land disturbing construction or land development activities on the site in a manner satisfactory to ensure adequate performance in accordance with the SWPPP and to prevent nuisance conditions. All erosion control measures installed in accordance with the SWPPP shall be

removed by the permittee or landowner upon completion of all land development or land disturbing construction activities.

(2) In the event that a building permit or demolition permit expires, within 30 days of the permit expiration date, the site shall be brought to grade, tilled and planted with ground cover to include sodding or seeding which shall have irrigation and shall be maintained, and upon completion, all measures installed as part of the SWPPP shall be immediately removed.

(3) The City Engineer shall have the authority, on a case-by-case basis, to grant a written waiver of any requirements of the stormwater management program or requirement for an SWPPP for small sites, for land disturbing construction or land development activities covering less than one acre, or individual single-family home sites in a previously platted subdivision or land division.

(4) Stormwater Pollution Prevention Plan. Any waiver of the stormwater management program requirements or for an SWPPP does not invalidate any other requirements set forth in this section.

Section 5.96 Enforcement; appeals.

(a) The City and SID are authorized to inspect construction sites for compliance with the requirements of this section. The City and SID may post a stop-work order for a building permit if any land disturbing construction activities or land development activities regulated under this section are being undertaken in violation of this section. The City and SID may post a stop-work order if any land disturbing construction activities or land development activities regulated under this section are being undertaken for violations of this section occurring in the right-of-way or related to the SWPPP and erosion control measures.

(b) **Stop-work order retraction.** The City or SID who issued a stop-work order may retract that stop-work order once the violation of this section is cured.

(c) **Notice of intent.** Not less than ten days after the posting a stop-work order as provided above, the City or SID may issue a written notice to the permittee or property owner of the City or SID's intent to perform work necessary to cure existing violations and comply with this section. Said notice shall be sent certified and regular mail. If, after 14 days from issuance of the notice of intent, the site is not in compliance with the requirements of this section, the City or SID may enter the site and commence all work necessary to comply with this section. The City or SID's costs for the work performed by the City or SID shall be subtracted from the deposit or bond posted with the city and any additional costs shall be billed to the permittee or the landowner. In the event a permittee or property owner fails to pay the amount due to fully reimburse the city, the city shall file a lien against the property for all unreimbursed costs, plus interest and administrative expenses, and may take all available actions to collect the sums due.

(d) Compliance with the provisions of this section may also be enforced in accordance with F.S. Ch. 162, or by injunction, uniform citation procedure, code compliance procedure, fine, lien forfeiture or any other appropriate and available remedy.

(e) Decisions of the City regarding erosion control measures or SWPPP may be appealed to the City Council, in addition to applicable SID processes.

Section 5.97 Wastewater Systems. The developer shall install the required wastewater collection and/or disposal system for the development in accordance with this chapter.

- (a) **Central System Design.** The development of new wastewater facilities and mains in the subdivision and the expansion of existing wastewater systems shall be designed by the applicant's engineer in accordance with all applicable state and local criteria.
- (b) **Individual System.** When a public wastewater collection system is accessible, the applicant shall install adequate collection facilities, subject to the specifications of SID and the Palm Beach County Health Department. Extension of the collection system and connection to the public wastewater treatment system shall be consistent with standards of the Palm Beach County Health Department or SID, as may be applicable.
- (c) **Wastewater Reuse.** As required by SID, irrigation of landscaped areas in a subdivision shall be accomplished by use of treated effluent or reclaimed water from wastewater treatment systems.

Section 5.98 Potable Water Systems. The developer shall install the required potable water distribution system for the development in accordance with this chapter.

(a) **General requirements.**

(1) **Potable Water.** The applicant shall install adequate water supply facilities, including fire hydrants, subject to the specifications of SID and the Palm Beach County Health Department. When a public water supply main is not accessible to a subdivision, the responsible party shall take necessary action to extend the main for domestic water supply use and fire protection. Extension of the main and connection to the public water system shall be required consistent with standards of the Palm Beach County Health Department or SID, as may be applicable.

(2) **Location of Improvements.** The location of all fire hydrants and all water supply improvements shall be shown on the utilities construction plans.

(3) **Cost of Installation.** The cost of installing fire hydrants and water supply improvements shall be borne by the applicant/Developer. The estimated costs of installation shall be included in the surety to be furnished by the applicant/Developer.

(4) **Fire Protection Water Supply.** The water supply system of the subdivision shall be designed and constructed to satisfy both the domestic potable requirements and the fire protection requirements in effect at the time of subdivision plan or plat review.

(5) **Residential Fire Hydrants.**

(i) **Connections.** Hydrants located within single-family and duplex or two-family residential subdivisions shall be connected to water mains at least eight inches in diameter. Connection to dead-end stubs may be acceptable, providing the required fire flow can be achieved.

(ii) **Nonresidential and multifamily residential requirements.**

(iii) **Connections.** The hydrant shall connect to water mains of adequate size, as determined by the city engineer, to meet the design flow demand.

- (iv) Spacing. Hydrants located in commercial, multifamily, industrial, or other nonresidential areas shall be spaced no further than 300 feet apart as measured along the roadway. The hydrant shall connect to water mains of adequate size, as determined by the City Engineer, to meet the design flow demand.

(6) **Fire Rescue Services.**

- (a) Required improvement. Fire hydrants shall be provided where central water systems are provided. Fire hydrants shall be provided in the manner prescribed in this section.

- (b) Single family developments of less than five units per acre. Fire hydrants shall be spaced no greater than six hundred (600) feet apart and not more than three hundred (300) feet to the center of any lot or parcel in the subdivision and shall be connected to mains no less than six (6) inches in diameter. The system shall provide capability for fire flow of at least seven hundred (700) gallons per minute in addition to a maximum day requirement at pressures of not less than twenty (20) pounds per square inch. The system shall have the capability of sufficient storage or emergency pumping facilities to such an extent that the minimum fire flow will be maintained for at least four (4) hours or the current recommendations of the insurance services office, whichever is greater.

- (c) Multiple family developments of over five dwelling units per acre, commercial, institutional, industrial or other high daytime or nighttime population density developments. In these areas fire hydrants shall be spaced no greater than five hundred (500) feet apart and the remotest part of any structure shall not be more than three hundred (300) feet from the hydrant and shall be connected to mains no less than six (6) inches in diameter. Fire flow shall be provided at flows not less than one thousand two hundred (1,200) gallons per minute in addition to a maximum day requirement at pressures of not less than thirty (30) pounds per square inch.

- (d) Charges for use. Charges made for the use of the fire hydrant or water consumed therefrom when a fire protection authority uses the fire hydrant in the performance of its official duty shall be as regulated by the Public Service Commission.

Section 5.100 Construction and landscaping in water management tracts.

The placement or construction of trees, shrubs, or structures within any water management tract established for purpose of wet detention/retention in an open water body, conveyance, or easement or berm adjacent thereto established for purposes of access for maintenance of the water body or water management tract or structures and facilities therein is hereby prohibited, unless expressly permitted by SID at its sole discretion.

Environmental considerations. In the interest of the preservation of existing trees and other natural features at the applicant's request, or as required by other regulations, the City Engineer and SID may vary the design and construction requirements upon presentation by the applicant of substantial evidence that environmental conditions will be enhanced, that proper performance of the approved stormwater management system will not be impaired, and that safety, stability, and design life of structural improvements will not be compromised.

Section 4. Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 5. Codification: It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

Section 6. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 8th day of March 2021, on first reading.

PUBLISHED in the Palm Beach Post on this _____ day of _____ 2021.

PASSED AND ADOPTED this 12th day of April 2021, on second reading.

City of Westlake
Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to form and Sufficiency

Pam E. Booker, City Attorney