

# ARTICLE 11

## SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS

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# ARTICLE 11

## SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS

### CHAPTER A GENERAL REQUIREMENTS

#### Section 1 General Provisions

##### A. Applicability

The regulations set forth in this Article shall be applicable to all subdivision of land in unincorporated PBC, Florida, or as hereafter established. Pursuant to Art. 2.G.4, Staff Officials, the Director of Land Development shall be responsible for review and rendering interpretations on behalf of the County Engineer. Deviations from the provisions of this Article may be permitted for development supporting Government Facilities within the PO Zoning District, subject to approval by the County Engineer utilizing the following Standards: [Ord. 2007-013] [Ord. 2018-018]

1. the proposed deviation(s) creates no hindrances, restraints, or incompatibilities for the uses, structures, and lands surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]
2. the proposed deviation(s) maintains proper and adequate access to the land proposed for development; [Ord. 2007-013]
3. the proposed deviation(s) allows for development in a logical, timely, and functionally adequate manner; [Ord. 2007-013]
4. special or unique circumstances or factors exist that are applicable to the land proposed for development; [Ord. 2007-013]
5. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]
6. approval of the deviation(s) is consistent with the purpose, Goals, Objectives, and Policies of the Plan and this Code; and, [Ord. 2007-013]
7. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013]

##### B. Purpose and Intent

The specific provisions of this Article shall be applied and interpreted in a manner consistent with PBC's purpose and intent to:

1. Establish procedures and standards for the subdivision of real estate;
2. Ensure proper legal description, identification, monumentation, and recording of subdivisions;
3. Aid in the coordination of land development in accordance with orderly physical patterns;
4. Implement the Plan with respect to installation of on-site improvements for new development, which improvements are necessary to meet or maintain the levels of service required under the Concurrency Management System of the Plan;
5. Ensure provision of safe, convenient, legal, and physical access to and circulation among lots for vehicular and pedestrian traffic;
6. Ensure provision of adequate utilities to support development of each lot;
7. Regulate the subdivision and associated development of lands subject to seasonal or periodic flooding, and provide for adequate stormwater management to minimize adverse impacts of development on water resources while ensuring acceptable levels of protection from inundation for residents and improvements;
8. Ensure that the citizens and taxpayers of PBC will not have to bear the costs resulting from haphazard subdivision of land or failure by the developer to provide adequate and necessary physical improvements of lasting quality; and,
9. Assure the purchaser of land in a subdivision that necessary infrastructure improvements have been provided in accordance with PBC Standards for design and construction, and that associated rights and obligations have been established for the use and maintenance of said improvements.

## **Section 2 Interpretation**

### **A. Minimum Requirements**

In their interpretation and application, the requirements of this Article shall be deemed to be the minimum requirements necessary for the promotion of public health, safety, and general welfare.

### **B. Relationship to Other Agency Requirements**

The requirements of this Article are intended to complement and expand upon rules, regulations, and permit requirements of other State, Regional, and Local agencies applicable to the design, construction, and/or operation of facilities for access and circulation of vehicles and pedestrians, construction of streets and related facilities, power and communication services, wastewater and water services, and stormwater management and flood protection in PBC. Compliance with the requirements of this Article shall not relieve the developer from the necessity to comply with all requirements and obtain all permits required by the regulations of such other agencies.

### **C. Conflicting Requirements**

In the event of conflict between a specific requirement of this Article and that of another agency's rule, compliance with this Article shall be interpreted by the County Engineer to avoid the conflict where such avoidance is not inconsistent with the general purposes and intent of this Article and is affirmatively demonstrated as necessary to meet the purposes and intent of the conflicting rule. However, if the difference between said requirements is solely a matter of degree, the more restrictive requirement shall prevail and no conflict will be considered to exist.

## **Section 3 General Requirements**

### **A. Platting Requirement**

Any developer planning to subdivide land shall record a Final Plat in accordance with the requirements of this Article unless such requirement is specifically waived by the County Engineer in accordance with the provisions of Art. 11.A.8, Exceptions to General Requirements. [Ord. 2011-016] [Ord. 2012-003]

### **B. Required Improvements Installation Requirement**

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, and potential adverse impacts on adjacent land uses and facilities shall be considered in the review of all development proposals. No Final Plat or certified boundary survey shall be recorded until all required improvements set forth in Art. 11.E.1, Required Improvements, except those specifically waived pursuant to Art. 11.A.8.F, Exceptions to Installation of Improvements Requirement, are either completed in accordance with the requirements of Art. 11.B.5, Construction of Required Improvements, or are guaranteed to be completed by the developer in accordance with the provisions of Art. 11.B.2.A, Land Development Permit Application Submittal. [Ord. 2011-016] [Ord. 2014-025]

### **C. Standards and Responsibility for Required Improvements**

All required improvements shall be designed pursuant to the standards and specifications as prescribed in this Article and PBC Standards, or as otherwise required by the County Engineer, in accordance with acceptable standards of engineering principles. All such improvements shall be installed by and at the expense of the developer in conformance with approved construction plans as referenced by the applicable Land Development Permit.

### **D. Conformity with Land Use, Density, and Concurrency Regulations**

Prior to consideration of any subdivision for approval under the terms of this Article, the land proposed to be subdivided shall:

1. Be of sufficient land area to comply with the density and consistency requirements and provisions of the Administration and Land Use Elements of the Plan;
2. Be in the proper zoning district and have the necessary Zoning approvals required for the intended use; and,
3. Have received a concurrency approval, non-expired Concurrency Exemption, or Concurrency Exemption Extension, pursuant to Art. 2.F, Concurrency (Adequate Public Facility Standards).

### **E. Site Suitability**

Subdivision of land unsuitable for the proposed type or extent of development shall not be approved unless adequate methods of correction or mitigation are formulated and approved in accordance with the provisions of this Article. The County Engineer may determine that land is unsuitable for subdivision due to unstable or poorly drained soils, frequent inundation, existence of environmentally sensitive or protected areas, inadequate legal or physical access to the proposed subdivision, or conditions or features deemed to be harmful to the health, safety, and general welfare of future residents or the public.

## **Section 4      Application of Ordinance**

### **A. General Application**

No person shall create a subdivision or develop any lot within a subdivision in unincorporated PBC except in conformity with this Article. No Final Plat or certified boundary survey of any subdivision shall be recorded unless such subdivision meets all applicable provisions of this Article, the provisions of other applicable PBC Ordinances, and the applicable laws of the State of Florida. However, the subdivision of contiguous lands shall not be subject to compliance with the provisions of this Article where the lands are under single ownership with none of the resulting lots being less than 40 acres or where the remaining land is part of a development being platted in phases in accordance with a Master Plan approved by the DRO, unless such compliance is required as a specific condition of a Development Order for a Conditional Use or Special Use approved pursuant to Art. 2, Application Processes and Procedures. [Ord. 2011-016] [Ord. 2014-025] [Ord. 2020-001]

### **B. Building Permits and Other Approvals**

1. Except as provided in this Section, or elsewhere in the Code, no Building Permit shall be issued for any structure on any lot created by subdivision of land in violation of this Article unless and until such lot is shown on a plat or certified boundary survey, as applicable, recorded in the manner prescribed in this Article. [Ord. 2011-016] [Ord. 2014-025]
2. Temporary structures, permanent structures having a Temporary Use, model homes, and ancillary structures such as fences, buffer walls, and guardhouses may receive a Building Permit prior to recordation of the Final Plat for the property only when the use and location have been approved by the DRO and shown on the approved Final Subdivision Plan. Such approval, however, shall not in any way relieve the developer from the obligation to correct any and all non-conforming setbacks, separations, or encroachments due to inconsistencies between the location of said structures and lot, street, or easement boundaries as established by the applicable recorded plat. [Ord. 2014-025]

## **Section 5      Previously Approved or Platted Subdivisions**

### **A. Active Subdivision Development**

All active subdivision developments and all modifications to previously platted subdivisions shall be subject to the requirements of this Article in accordance with the provisions of Art. 1.E, Prior Approvals.

#### **1. Subdivision Developments Which Are Committed Developments or Deemed Vested**

Any development which constitutes a committed development under the Plan and the "Concurrency Exemption Ordinance of Palm Beach County, Florida" (Ordinance No. 89-35), or which has otherwise been deemed vested under State of 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 Article when:

- a. The modification of an active Subdivision Plan for a Planned Development cannot be approved by the DRO if it exceeds threshold of Art. 2.C.5.C, Administrative Modifications to Prior DOs; or [Ord. 2018-018]
- b. The modification of an active Subdivision Plan or Preliminary Plat constitutes more than a minor deviation such that, in the opinion of the County Engineer, the construction plans for the required improvements require a new submittal and review.

#### **3. Fees Waived for Applications by the County Engineer**

Any fee required for an application made pursuant to this Section is hereby waived for all applications made by the County Engineer.

## **B. Non-Conforming Subdivisions**

The Official Records of PBC contain plats recorded prior to February 5, 1973. Such plats show areas within PBC which have been platted as subdivisions, but which have either been partially improved or developed or remain unimproved or undeveloped. These areas, if developed or improved further as platted, would not conform to the Objectives and Policies of the Plan for such areas.

### **1. Vacate Non-Conforming Plats**

The BCC shall have the power, on its own motion, to order the vacation and reversion to acreage of all or any part of a subdivision within unincorporated PBC, including the vacation and abandonment of streets or other parcels of land dedicated for public purposes and the vacating of streets and other parcels of land reserved for the use of the owners, including lands maintained by a Property Owners' Association, when:

- a. The subdivision plat was recorded as provided by law prior to February 5, 1973; and
- b. within the subdivision plat or part thereof proposed to be reverted to acreage, not more than ten percent of the total number of platted lots have been sold to individual owners by the original subdivider or his successor in title.

## **C. Subject to Vacation by the Board**

The owner or owners of a subdivision subject to vacation and reversion to acreage by motion of the BCC may either abandon the subdivision or portion thereof in accordance with the procedures of the Board, or may improve undeveloped or partially improved streets and drainage facilities at their cost and expense, provided such improvements shall comply with the provisions of this Article.

### **1. Public Hearing Required**

Prior to ordering such a vacation and reversion to acreage, the BCC shall hold a public hearing relative to the proposed vacation and reversion to acreage, with prior notice thereof being given by publishing in a newspaper of local circulation the date of and the subject matter of the hearing once within 14-calendar days prior to the date of such public hearing. At such public hearing, the vacation and reversion to acreage of subdivided land must be shown to either conform to the Plan or reduce the non-conformity with the Plan.

### **2. Legal Access to Be Maintained**

No owner of any parcel of land in a subdivision vacated and returned to acreage or abandoned by the owners shall be deprived, by reversion to acreage or abandonment of any part of the subdivision, of reasonable access to such parcel nor to reasonable access to existing facilities to which such parcel has theretofore had access. Such access remaining or provided after such vacation and reversion or abandonment may not necessarily be the same as theretofore existing, but shall be reasonably equivalent thereto.

## **D. Not Subject to Vacation**

The improvement of non-conforming subdivisions not subject to vacation and reversion to acreage by motion of the BCC shall comply with the requirements of this Article and the following:

### **1. Streets**

The existing R-O-W for a Local Street shall be considered sufficient provided it is at least 50 feet wide and the improvements conform to the 50-foot typical section or 60 feet wide and the improvements conform to the 60-foot typical section for Local Street construction as contained in PBC Standards. If the existing R-O-W is less than 50 feet wide, additional R-O-W shall be provided to make a total width of not less than 50 feet.

### **2. Positive Drainage**

Positive drainage shall be established or its existence proven, meeting all requirements for connection to a point of legal positive outfall. Easements for proper drainage shall be provided where necessary at a width adequate to accommodate the drainage facilities, but in no case shall said easement width be less than 12 feet. Where canals or ditches are permitted, the easement width shall be adequate to accommodate the full width of drainage facilities plus 20 feet on one side to permit access by equipment for maintenance purposes.

## **Section 6      Planned Developments**

### **A. General**

Any Planned Development which is to be subdivided shall comply with the requirements of this Article after approval of a Final Subdivision Plan by the DRO pursuant to Art. 2.C, Administrative Processes. For the purpose of this Article, "Planned Development" shall mean any development within a Planned Development District as defined by this Code and regulated pursuant to Art. 3.E, Planned Development Districts (PDDs).

### **B. Subdivision of Commercial and Industrial Sites**

A building site which constitutes all or a portion of a pod or lot designated for commercial or industrial use within a Planned Development, and for which the detailed development configuration and Building Permit issuance are subject to prior approval by the DRO of a Final Site Plan, may be exempted by the County Engineer from the subdivision recordation requirement of Art. 11.A.4.B.1, and may be subdivided by fee title conveyance of individual internal lots. Such exemption may be granted by the County Engineer provided that: [Ord. 2014-025] [Ord. 2019-034]

1. Legal access to each interior lot is provided by a common parking lot in full compliance with all requirements of Art. 11.E.2.A.2.b;
2. 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;
3. 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;
4. A statement of the developer's intent to subdivide the property pursuant to the platting exemption of this Subsection, 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 Article; [Ord. 2011-001]
5. 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 County Attorney pursuant to Art. 5.F, Legal Documents; and,
6. The building site is delineated within a single platted lot. [Ord. 2019-034]

## **Section 7      Phased Developments**

### **A. Phasing Plan**

The property encompassed by a Master Plan or Final Subdivision Plan may be developed in two or more phases pursuant to the terms of this Section and applicable phasing provisions of Art. 2.E.2.C, Time Limitations for Commencement. Construction plans and Preliminary Plats shall coincide with their respective phases as shown on the Final Subdivision Plan or Master Plan. [Ord. 2014-025]

### **B. Improvements**

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 Land 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 County Engineer may permit the posting of a guarantee to ensure 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. [Ord. 2014-025]

### **C. Sequence of Phases**

When the Preliminary Subdivision Plan is to be constructed in phases, the following sequence must be adhered to:

1. All required recreation areas and facilities to serve the entire development shall be platted or otherwise provided pursuant to the procedures and phasing provisions of Art. 5.D, Parks and Recreation – Rules and Recreation Standards; and [Ord. 2015-006]
2. 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.

## Section 8      Exceptions to General Requirements

### A. Authority

The County Engineer is hereby empowered to make certain exceptions to the platting requirement of Art. 11.A.3.A, Platting Requirement, and required improvements installation requirement of Art. 11.A.3.B, Required Improvements Installation Requirement, in accordance with the standards and procedures set forth in this Section.

### B. Legal Lots of Record

1. A lot that was created pursuant to one of the options below will be considered a Legal Lot of Record and shall not be subject to future subdivision approval: [Ord. 2019-034]
  - a. The lot is depicted in its entirety on either a plat of record, affidavit of exemption, affidavit of waiver, plat waiver, or lot combination; or [Ord. 2019-034]
  - b. The lot existed prior to February 5, 1973 in its current configuration; or [Ord. 2019-034]
  - c. The lot was created after February 5, 1973 and before June 16, 1992 by subdivision of a legal lot or lots into no more than two lots. [Ord. 2019-034]

### 2. Legal Access

The lot has legal access that ultimately connects to a right-of-way currently identified on the PBC Thoroughfare R-O-W Identification Map, as follows: [Ord. 2007-001] [Ord. 2013-001]

- a. In accordance with this Article, Table 11.E.2.A, Chart of Access Hierarchy; or [Ord. 2007-001]
- b. For existing Legal Lots of Record for a Single Family home from a recorded easement exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width, granting the owner, its successors, and assigns a perpetual right of usable access across all properties lying between said lot and a street. [Ord. 2007-001] [Ord. 2013-001] [Ord. 2019-034]

### C. Certified Abstracted Boundary Survey

When approved by the County Engineer, a certified abstracted boundary survey may constitute the Subdivision Plan and when the subdivision is not encompassed by a Final Subdivision Plan approved by the DRO. [Ord. 2014-025]

### D. Plat Waiver with Certified Boundary Survey

If, after review of the Preliminary Subdivision Plan, the County Engineer determines that the proposed subdivision meets one of the conditions specified in Art. 11.A.8.D.1, Application for Plat Waiver, the requirement to file a plat may be waived and an abstracted boundary survey shall be recorded in lieu of a plat along with an affidavit documenting approval of said waiver and restrictive covenants applicable to the subdivision, as prescribed by this Article. [Ord. 2011-016] [Ord. 2014-025]

#### 1. Application for Plat Waiver

In order to determine whether platting may be waived, the developer shall submit a certified abstracted boundary survey or Preliminary Subdivision Plan, together with a statement demonstrating that the subdivision meets at least one of the following conditions: [Ord. 2014-025]

- a. The division is for the purpose of constructing not more than one Townhouse building in compliance with applicable use regulations and standards pursuant to Art. 3.D, Property Development Regulations (PDRs);
- b. The division is to create no more than three contiguous lots and all of the following circumstances apply:
  - 1) Dedications or reservations are not required for the installation or maintenance of the required improvements; and
  - 2) The improvements and dedications existing on the land are substantially in accordance with the requirements of this Article.
- c. The division is of a contiguous land area not exceeding 80 acres into lots of at least ten acres each and which area meets all of the following additional conditions:
  - 1) The area to be subdivided has existing legal access via a street of Local or higher classification, accepted for maintenance by a Local Governmental agency, a special district, or a legally incorporated Property Owners' Association (POA);
  - 2) Legal access to the proposed lots exist or will be established and dedicated to and be maintained by a POA or a special district; and,
  - 3) Legal positive outfall exists and the appurtenant drainage easements are dedicated to, maintained, and accepted by either by a POA or water control district.
- d. The division consists of a change in lot lines for the purpose of combining lots or portions thereof, shown on a record plat, into no more than three contiguous lots where each of the resulting lots meet the requirements of the Plan and this Code or reduce the degree of non-conformity to the requirements of the Plan and this Code, as applicable, and the establishment of streets or

installation of improvements either would not be required pursuant to this Article or would be required and their installation would be guaranteed by the developer pursuant to the provisions of this Article. Provided, however, that any application hereunder for lands shown on a record plat recorded after February 5, 1973, shall be limited to those changes necessary to correct errors in the record plat or to make a lot line adjustment to accommodate an isolated instance of error in construction of a dwelling unit or other building. In such cases, the improvements shall be in compliance with the standards in effect at the time of recording the plat or with any approved Variance to such standards;

- e. The lot or lots were created as part of an antiquated subdivision and the County Engineer finds that the subdivision substantially complies with the intent, purposes, and requirements of this Article. In making such determination, the County Engineer shall consider the following factors and any other information he deems appropriate:
  - 1) The total area of land encompassed by the antiquated subdivision;
  - 2) The number of lots created within the antiquated subdivision;
  - 3) The prior and subsequent subdivision of the area encompassed by the antiquated subdivision and whether such subdivision was platted or otherwise surveyed and placed of record;
  - 4) The need for dedications or reservations to ensure installation and continued maintenance of the required improvements;
  - 5) The extent of deviation from the requirements of this Article;
  - 6) The extent of ownership fragmentation, including the number of lots sold and the number of lots developed;
  - 7) The degree of compliance with other PBC land development regulations, including but not limited to the Plan and this Code;
  - 8) The number of lots to be created; and,
  - 9) The extent of development in the surrounding area.
- f. The combination or recombination of lots is required in order for the new lot or lots to meet the density requirements of the Plan.

## **2. Decision by County Engineer**

In determining if platting may be waived, the County Engineer shall make a determination of the Agencies required for review, distribute to these Agencies accordingly, and consider recommendations received from the Agencies regarding conformance with requirements of their respective regulations and program responsibilities. The Agencies that may be considered for review by the County Engineer are: [Ord. 2010-022]

- a. The Directors of the Land Development and Traffic Divisions, and Survey Section of the Engineering Department;
- b. The Directors of the Planning and Zoning Divisions; [Ord. 2006-004]
- c. The Director of Environmental Resources Management;
- d. The County Health Director;
- e. The Director of Water Utilities; and,
- f. The County Attorney. [Ord. 2006-004]

## **3. Effect of Approval**

The granting of a plat waiver in no manner reduces or waives the requirements of Art. 11.B.1, Technical Compliance, through Art. 11.B.5, Construction of Required Improvements, governing construction plan approval, Land 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 months of approval by the County Engineer shall void said approval. [Ord. 2011-016] [Ord. 2014-025]

## **E. Lot Combination with Abandoned Right-of-Way and Combination of Lots**

Right-of-way abandoned by Resolution of the BCC may be combined into an adjoining lot of record. A lot may also be combined with an adjoining lot or lots resulting in an overall decrease in the number of lots provided that there are no interior easements along the common lot line(s) that prevent the combination of the lots and that the new lot configuration decreases any existing non-conformities. The revised single lot of record may be created by one of the following: [Ord. 2010-022] [Ord. 2014-025]

- 1. The Property Owner may record a revised abstracted boundary survey into the Public Records of PBC, if approved by the Director of Land Development. In determining whether this process is acceptable, the revised abstracted boundary survey must be submitted for review to the Director of Land Development. The Agencies that may be considered for review of the revised abstracted boundary survey are Land Development, Survey, and Zoning. The abstracted boundary survey shall be prepared by a State of Florida-licensed Surveyor and Mapper. The document recorded in the Public Records shall include the approval from the Director of Land Development. In determining eligibility for creation

of a new single lot of record through this option, the Director of Land Development and reviewing Agencies shall consider the following criteria at a minimum: [Ord. 2010-022]

- a. Designated zoning of lots to be combined; [Ord. 2010-022]
  - b. Existence of landscape tracts, buffers, or easements along property lines; and, [Ord. 2010-022]
  - c. Existence of utility easements along property lines; or [Ord. 2010-022]
2. The Property Owner may record a waiver of plat in accordance with Art. 11.A.8.D, Plat Waiver with Certified Boundary Survey. [Ord. 2010-022]
  3. The Property Owner may record a plat in accordance with Art. 11.D, Platting. [Ord. 2010-022]

**F. Exceptions to Installation of Improvements Requirement**

If, after review of the Preliminary Subdivision Plan, the County Engineer determines that certain improvements already existing on the proposed subdivision site are adequate to meet the intent of the required improvements requirement of this Article, the installation of those required improvements may be waived.

**1. Application for Required Improvement Installation Waiver**

The developer shall submit a Preliminary Subdivision Plan, or when approved a certified abstracted boundary survey, 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 Article. [Ord. 2014-025]

**2. Effect of Approval**

The granting of a required improvement(s) installation waiver in no manner reduces or waives the requirement of this Article to file a plat and to comply with applicable provisions of Art. 11.B.1, Technical Compliance, through Art. 11.B.5, Construction of Required Improvements, with regard to all required improvements not specifically waived. [Ord. 2014-025]

**G. Contents of Applications**

Applications made pursuant to this Article shall be submitted in a form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public. [Ord. 2014-025]

**H. Administration of Exceptions to General Requirements**

The County Engineer shall review and act on applications for exceptions to this Article pursuant to this Section. Such authority shall include the power to:

1. Waive compliance with the procedures of Art. 11.B.1, Technical Compliance, through Art. 11.B.5, Construction of Required Improvements, when the County Engineer finds that compliance with such procedures is unnecessary because: [Ord. 2014-025]
  - a. The proposed subdivision has been granted both a plat waiver and a waiver for all required improvements for the property; or
  - b. The proposed subdivision has been granted both a plat waiver and a waiver for some of the required improvements and installation of the remaining improvements will be assured by one of the following methods:
    - 1) contribution of cash; or
    - 2) construction of the required improvements will occur at the time of building construction and the installation of such improvements can be monitored as part of the Building Permit process or other PBC permitting process. Such improvements include, but are not limited to, drainage improvements requiring lot grading only, and installation of well and/or septic tank; or
    - 3) a combination of Art. 11.A.8.H.1.b.1) and Art. 11.A.8.H.1.b.2) above.
2. Review any and all restrictive covenants applicable to a subdivision under review for a plat waiver;
3. Require additional information or reviews deemed necessary for its consideration. Such information may include, but is not limited to, written and oral statements with respect to the nature, condition, and maintenance responsibility of the streets, stormwater management facilities, or other required improvements, and reviews by other PBC and State of Florida agencies, and any information necessary to assure that the proposal would conform to the Plan or reduce the degree of non-conformity to the Plan; and,
4. Upon determining the facts of each application, determine whether the proposal makes adequate provisions for public requirements, including safe and convenient vehicular and pedestrian circulation, access, stormwater management, utilities, water supply, and wastewater disposal. [Ord. 2014-025]

## **Section 9      Standard Forms**

### **A. General**

The forms and formats contained in the Land Development Forms Manual have been approved as standard by the County Attorney and the County Engineer, as appropriate. All specific agreements, guarantees, certifications, and other legal documents are subject to the approval of the County Attorney. Alternate form(s) may be approved for use pursuant to this Article, provided the County Attorney has first approved such alternate form(s) in writing.

### **B. Dedications and Reservations**

Dedications and reservations shall be specified in accordance with the substantive requirements of Art. 11.D.1.B.15, Certification and Approvals, and shall be subject to approval by the County Attorney prior to plat recordation.

## **Section 10      Definitions**

See Art. 1.H, Definitions and Acronyms.

## **CHAPTER B      SUBDIVISION REQUIREMENTS**

### **Section 1      Technical Compliance**

#### **A. Purpose**

The purpose of Technical Compliance is to provide a multi-Agency review of the proposed subdivision plat and all applicable required improvement construction plans for conformance with technical and legal requirements of this Article, other applicable provisions of this Code, PBC Standards, and the approved Final Subdivision Plan or certified abstracted boundary survey (including any special Conditions of Approval) prior to application by the developer for issuance of a Land Development Permit and submittal of the Final Plat for recordation. [Ord. 2014-025]

#### **B. Application**

Prior to the expiration of the Final Subdivision Plan approval, where applicable, and prior to commencing construction of required improvements, the developer shall have prepared and shall submit to the County Engineer an application for Technical Compliance review, which shall be accompanied by the required fee and the required number, as established by the County Engineer, of the following documents and information, as applicable to the subdivision or approved phase thereof. Within three days of receipt of an initial application submittal for Technical Compliance, the County Engineer shall review the submittal for completeness and shall send written notification to the Applicant if the submittal is determined to be incomplete. Failure by the Applicant to complete the application submittal within 60 days of the date of said notification shall be considered an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application. [Ord. 2014-025]

##### **1. Preliminary Plat**

The developer shall submit the Preliminary Plat meeting the requirements of Art. 11.D.1.A, Preliminary Plat.

##### **2. Certified Abstracted Boundary Survey**

The developer shall submit a certified abstracted boundary survey meeting the requirements of Art. 11.B.7, Requirements for Certified Abstracted Boundary Survey. [Ord. 2011-016] [Ord. 2014-025]

##### **3. Construction Plans and Supplemental Engineering Reports**

Except for those required improvements have been specifically waived pursuant to Art. 11.A.8.F, Exceptions to Installation of Improvements Requirement, construction plans and supporting design information for all the required improvements shall be submitted for each subdivision. Construction plans and required engineering reports shall comply with the requirements of Art. 11.B.4, Construction Plans and Supplemental Engineering Information. [Ord. 2005-002] [Ord. 2014-025]

##### **4. Certified Opinion of Cost**

The developer's engineer shall prepare and submit a certified opinion of cost, which shall include the cost of installing all required improvements required pursuant to Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions. In the alternative, the County Engineer may, at his sole discretion, accept the contract price received by the developer for the construction of the required improvements.

## **C. Review of the Technical Compliance Submittal**

### **1. Agency Comments**

The County Engineer shall forward copies of appropriate submittal documents to the following Agencies for written comments regarding conformance with requirements of their respective regulations and program responsibilities: [Ord. 2014-025]

- a. Director, Land Development Division of DEPW: construction plans and Preliminary Plat;
- b. Director, Traffic Division of DEPW: construction plans and Preliminary Plat;
- c. Director, Survey Section of DEPW: Preliminary Plat;
- d. Director, Zoning Division of PZB: Preliminary Plat;
- e. Addressing Section, Administration Division of PZB: Preliminary Plat;
- f. Director, Parks and Recreation Department: Preliminary Plat;
- g. Director, Roadway Production Division of DEPW: construction plans and Preliminary Plat; [Ord. 2018-018]
- h. Director, Environmental Resources Management: Preliminary Plat;
- i. Florida Department of Transportation: Preliminary Plat for lands abutting State roads;
- j. Local water control district: Preliminary Plat for lands abutting water control district facilities, easements, or R-O-W;
- k. County Attorney: Preliminary Plat; and,
- l. Director of Property and Real Estate Management: Preliminary Plat.

The County Engineer shall have up to five-calendar days to forward the submittal to the review Agencies. Said Agencies shall be given up to 20-calendar days to forward comments to the County Engineer. Within five days of the end of this 20-day period, the County Engineer shall forward all comments to the developer in writing, with a copy to the developer's engineer, or other authorized agent. [Ord. 2014-025]

### **2. Submittal Fails to Meet Requirements**

When the County Engineer determines that the Technical Compliance application submittal does not meet the provisions of this Article, the written statement shall reference the specific Section or standard with which the submittal does not comply. Within 60 days of receipt of the comments letter, the developer shall cause all corrections or revisions referenced in the comments letter to be made, and shall resubmit the required documents and information. Failure to resubmit within the required time shall be deemed an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application.

### **3. Submittal Meets Requirements**

When the County Engineer determines that the Technical Compliance application submittal meets the provisions of this Article, the submittal shall be deemed to technically comply with the provisions of this Article and a written statement of Technical Compliance shall be issued.

## **D. Technical Compliance Approval**

The statement of Technical Compliance shall be in writing and furnished to the developer and the developer's engineer. The statement shall contain the following conditions and information:

1. The name of the documents reviewed;
2. The amount of guarantee for the construction of required improvements, established in accordance with Art. 11.B.2.A.6, Guarantees; [Ord. 2014-025]
3. The amount of recording fees due for recordation of the Final Plat or certified boundary survey, which fees are payable to the Clerk of the Circuit Court of PBC; [Ord. 2011-016]
4. A requirement to submit with the Land Development Permit application a copy of all applicable Property Owners' Association documents; and,
5. Requirements for submittal of supplementary documentation deemed necessary by the County Engineer, 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.

## **E. Expiration of Technical Compliance**

The statement of Technical Compliance shall expire six months after its date of issuance. Failure to make a Land Development Permit application submittal prior to the expiration of the statement of Technical Compliance shall void the Technical Compliance approval and any subsequent submittal shall require a new Technical Compliance application unless the County Engineer has granted an extension to the Technical Compliance expiration. [Ord. 2014-025]

#### **F. Effect of Changes to Final Subdivision Plan**

Any change to a Final Subdivision Plan, however approved, which would either increase or decrease the number of units in, or would, in the opinion of the County Engineer, cause a substantial change or revision to any Preliminary Plat or associated construction plans under review or approved for Technical Compliance, shall void any approvals issued for same pursuant to this Article and shall require a new submittal and fee for such plat and construction plans, unless a modification to such plat and construction plans is approved by the County Engineer. [Ord. 2014-025]

### **Section 2 Land Development Permit**

#### **A. Land Development Permit Application Submittal**

A Land Development Permit shall be required prior to commencement of construction of any required improvement. The effective date of the Land Development Permit shall be the date the County Engineer signs it. The Land Development Permit shall expire not more than 21 months from the effective date, unless extended pursuant to Art. 11.B.5.B, Time of Completion of Required Improvements. Except when the installation of all required improvements has been waived pursuant to Art. 11.A.8.F, Exceptions to Installation of Improvements Requirement, the Final Plat or certified boundary survey, 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 Art. 11.B.2.A.6, Guarantees, below. As the final step in the review procedures to obtain development approval under this Article, the developer shall have prepared and shall submit, prior to expiration of the Technical Compliance, an application for Land Development Permit. The application for Land Development Permit shall be accompanied by the required fee and the required number, as determined by the County Engineer, of the following documents applicable to the subdivision or approved phase thereof: [Ord. 2011-016] [Ord. 2014-025]

##### **1. Final Plat**

The developer of a subdivision for which plat recordation is required shall submit the Final Plat complying with Art. 11.D.1.B, Final Plat, and a check for the plat recordation, payable to the Clerk of the Circuit Court of PBC, in the required amount.

##### **2. Certified Abstracted Boundary Survey**

The developer of a subdivision for which the requirement to plat has been waived pursuant to this Article shall submit a check payable to the Clerk of the Circuit Court of PBC for the recordation of the certified boundary survey. When construction plans are not required, the certified abstracted boundary survey may be recorded without further review; provided, however, that the County Engineer shall review any documents submitted in compliance with Art. 11.B.2.A.3, Maintenance and Use Documents. [Ord. 2011-016] [Ord. 2014-025]

##### **3. Maintenance and Use Documents and Other Documents**

A copy of the maintenance and use covenants and any other documents required by the County Engineer as a condition of Technical Compliance shall be submitted. The maintenance and use covenants shall indicate the maintenance responsibility for all common areas and improvements within the subdivision, and shall comply with all applicable requirements as specified in Art. 5.F, Legal Documents.

##### **4. Construction Plans and Supplemental Engineering Information**

Construction plans shall conform to the plans which received Technical Compliance or, if modified, shall be accompanied by a written statement from the developer's engineer which details, explains, and justifies the modifications. Construction plans shall comply with the requirements of Art. 11.B.4, Construction Plans and Supplemental Engineering Information, and prior to issuance of a Land Development Permit, shall have received all applicable approvals of requisite governmental agencies. [Ord. 2014-025]

##### **5. Developer's Acknowledgment 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 boundary survey. 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 contained in the latest version of the Land Development Forms Manual 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 Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions. Said guarantee shall meet the applicable requirements of Art. 11.B.2.A.6, Guarantees. [Ord. 2011-016] [Ord. 2014-025]

## **6. Guarantees**

All guarantees required pursuant to Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions, shall be in one of the forms prescribed in the Land Development Forms Manual or in an alternate form approved by the County Attorney. The initial guarantee shall be in an amount equal to 110 percent of the construction cost of the required improvements. The guarantee shall be in one of the following types: [Ord. 2014-025]

### **a. Cash Bond**

Completion of the required improvements may be secured by cash deposited by the developer with PBC or in an account subject to the control of PBC in accordance with an agreement on such deposit or account. The developer shall be entitled to receive any interest earned on such deposit or account.

### **b. Letter of Credit**

Completion of the required improvements may be secured by a clean irrevocable letter of credit issued to PBC in accordance with the PBC Letter of Credit Policy. The expiration date of the letter of credit shall be at least three months after the completion date for construction of required improvements pursuant to the initial Land Development Permit or any subsequent extension thereto.

### **c. Performance or Surety Bond**

Completion of the required improvements may be secured by a performance or surety bond obtained from a company acceptable to PBC in accordance with the PBC policy on performance bonds. It shall guarantee that all work will be completed in full accordance with the approved Land Development Permit.

### **d. Escrow Deposit**

Completion of the required improvements may be secured by an executed escrow agreement, between the developer, a bank approved by PBC, and PBC as the third-party beneficiary. The escrow agreement shall require that release of the funds, or any part thereof, shall be subject to PBC approval.

## **B. Action by the County Engineer**

The County Engineer shall examine the submittal for completeness in compliance with this Article. Within 30 days of receipt of a complete submittal, the County Engineer shall review the submittal for conformity with this Article and shall advise the developer of his findings in writing, with a copy to the developer's engineer.

### **1. Submittal Fails to Meet Ordinance**

When deficiencies exist, the County Engineer shall reference in writing the specific Section or standard with which the Land Development Permit submittal does not comply. The developer shall correct such deficiencies within 30 days of receipt of the written report. Failure to respond within the given time shall deem the submittal abandoned and any subsequent submittal shall require a new application and submittal for a Land Development Permit.

### **2. Submittal Meets Ordinance**

When the submittal meets the provisions of this Article, the County Engineer shall sign the Land Development Permit and, if applicable, shall sign and seal the Final Plat and submit said approved plat to the Clerk of the Circuit Court for recordation.

## **Section 3 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 PBC 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 County Engineer for a transfer of the original developer's Land Development Permit. If the original developer posted a guarantee with PBC for completion of required improvements, the succeeding developer must post a substitute guarantee in the current amount of the original developer's guarantee and in a form acceptable to PBC. The application for transfer shall include the executed acknowledgment of responsibility for completion of required improvements pursuant to Art. 11.B.2.A.5, Developer's Acknowledgment of Responsibility for Construction of Required Improvements. [Ord. 2014-025]

### **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 Land

Development Permit, the succeeding developer must comply with all provisions of Art. 11.B.3.A, Voluntary Substitution of Developers, 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 Land Development Permit. Where the Land Development Permit has expired, the County Engineer may approve a Land Development Permit extension pursuant to Art. 11.B.5.B.2, as long as the Land Development Permit is otherwise in compliance with this Article. [Ord. 2014-025] [Ord. 2022-018]

## **Section 4 Construction Plans and Supplemental Engineering Information**

### **A. Duties of Developer's Engineer**

When the development is to be engineered by more than one firm, the developer shall appoint a single engineering firm or engineer 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 under separate cover for each of the categories of improvements listed in this Section. Plan sets shall be submitted in the number required in the Land Development Forms Manual. [Ord. 2014-025]

#### **1. Required Improvements**

The following construction plans, signed and sealed by the preparing engineer, shall be submitted for the required improvements set forth in Art. 11.E.1, Required Improvements, when applicable:

- a. paving, grading, and drainage;
- b. bridges;
- c. water and sewer systems:
  - 1) for Technical Compliance submittal: the proposed plans submitted for PBC Health Department approval;
  - 2) for Land Development Permit submittal: construction plans stamped with PBC Health Department approval.

#### **2. Submittals for Other Improvements**

Construction plans shall be submitted for the following additional improvements which the developer may be required to install or otherwise elect to provide:

- a. Landscaping within streets;
- b. Guardhouse, gates, or other structures within streets;
- c. Landscaping or structures in lake maintenance easements (see Art. 11.B.6.A, Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts). [Ord. 2014-025]

### **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 PBC Standard design requirements.

### **D. Format and Content of Construction Plans**

All construction plan submittals for the installation of required improvements shall consist of and contain, but shall not be limited to:

1. A cover sheet showing the applicable plat name, sheet index, category of improvements, and vicinity sketch;
2. Typical sections;
3. Construction details showing compliance with PBC Standards, or with any alternate design approved by the County Engineer pursuant to Art. 11.B.6.C, Alternate Design, Construction Standards, and Types of Materials;
4. Special profile sheets as required to show special or unique situations;
5. Benchmark, based on NAVD88; and, [Ord. 2010-022]
6. Notes regarding special conditions and specifications applicable to the construction, addressing:
  - a. required compliance with construction requirements of this Article and PBC 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.

#### **E. Final Stormwater Management Plan**

The Technical Compliance application shall include the final stormwater management plan, based upon and consistent with the preliminary stormwater management plan, in separate report form detailing the design of all secondary and tertiary stormwater management facilities, including, as a minimum, the following design data and information:

1. Pre-development and post-development drainage basin maps showing site topography, drainage basins, catchment areas, and stormwater inflow/outflow locations for the site;
2. Pre-development and 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;
3. Individual catchment area characteristics used for design, including area, times of concentration, runoff factors, and quantitative breakdown of pervious/impervious areas;
4. A statement of applicable design and/or performance assumptions and criteria for each part of the system providing drainage, treatment, or discharge control;
5. Evidence of existing access to legal positive outfall(s);
6. Complete hydrologic and hydraulic calculations for design of storm sewers, retention/detention area, and discharge structures;
7. 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, SFWMD, SCS, the rational method, the SBUH method, the Puls method, or common modifications of such methods, may require additional documentation;
8. A listing of specific PBC and SFWMD requirements used as the design basis for street drainage, lot grading, finished floor elevations, floodplain storage compensation, retention/detention volumes, and discharge limits; and,
9. Requirements for construction and maintenance of any temporary or phased stormwater management facilities necessary to ensure proper stormwater control and treatment during site development.

#### **F. Soils Report**

The Technical Compliance 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. In lieu of Art. 11.B.4.F.4 and Art. 11.B.4.F.5, the developer may submit as 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: [Ord. 2014-025]

1. A map, drawn to stated scale, showing boring, penetrometer, and/or test pit locations;
2. Results of each boring or other soil test, keyed to the map;
3. Soil profiles with horizons described according to the USDA, ASTM, or Unified Soil Classification System standard;
4. Location and extent of muck, hardpan, marl, or other deleterious materials which may require special consideration in design or construction; and,
5. A description of groundwater conditions which may require special consideration in design or construction.

### **Section 5 Construction of Required Improvements**

#### **A. Developer's Duty**

Upon issuance of the Land Development Permit, the developer shall coordinate the construction with the County Engineer.

#### **B. Time of Completion of Required Improvements**

1. The time of completion of all required improvements shall not exceed 21 months from the date of issuance of the Land Development Permit unless an extension is granted pursuant to this Section. For Government Facilities within the Public Ownership (PO) Zoning District, the completion of required improvements shall be permitted to: [Ord. 2007-013]
  - a. coincide with a Certification of Occupancy (CO) for the first building on a parcel of land that adjoins a required street improvement; or [Ord. 2007-013]
  - b. be phased to coincide with a CO for the first building within each phase of development that is accessed by a required street improvement. [Ord. 2007-013] [Ord. 2014-025]

2. A time extension for up to and including one year may be granted by the County 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. The application shall be submitted not less than two months prior to expiration of the Land Development Permit, except pursuant to Art. 11.B.3.B, Involuntary Substitution of Developers. The County Engineer shall review and advise the developer in writing of his decision within 30-calendar days of receipt of the application. [Ord. 2014-025] [Ord. 2022-018]

**C. Completion Prior to Plat Recordation**

When the developer elects to complete required improvements prior to recording of the Final Plat or certified boundary survey, the following procedures shall apply, as applicable. [Ord. 2011-016]

1. Upon approval of the Final Plat and acknowledgment of completion of the required improvements pursuant to Art. 11.B.5.G, Acknowledgment of Completion and Maintenance of Required Improvements, the plat shall be submitted to the Office of the Clerk of the Circuit Court for recordation. [Ord. 2014-025]
2. When the County Engineer finds that the certified boundary survey and completion of the required improvements are in compliance with all requirements of this Article, he shall cause the certified boundary survey to be recorded in the Office of the Clerk of the Circuit Court. [Ord. 2011-016]

**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 County Engineer may approve reductions of the amount of the guarantee and release the guarantee in accordance with the requirements and procedures prescribed in this Subsection. All requests for reduction shall be by application to the County 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 County Engineer shall have the right to reduce the amount of any requested reduction based on his review of the application and required improvements. The County 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 Article, the plat, or the plans and specifications for the required improvements. The County Engineer shall give written notification to the developer and the surety of his decision on the application within one month of the application being deemed complete. Any approval under this Section shall be conditioned upon the surety providing, within one month of receipt of the County Engineer's written notification, written confirmation of the reduction in a form acceptable to the County Attorney.

**1. Frequency of Reductions in Amount of Guarantee**

Reductions in the amount of the guarantee may be approved by the County Engineer in accordance with the following schedule.

**a. Cash Deposits and Escrow Agreements**

The deposit or account may be reduced as installations progress at stages of construction established by the County Engineer, but not more frequently than monthly.

**b. Letters of Credit and Performance or Surety Bonds**

Quarterly during the process of construction and upon request by the developer, the County Engineer may reduce the dollar amount of the guarantee.

**2. Amount of Reductions in Guarantee**

The County Engineer shall not reduce the amount of any guarantee below 20 percent of the original cost estimate amount. In addition to this limitation, no reduction in the dollar amount of the guarantee shall be made unless sufficient funds will remain to complete the remaining required improvements and the cost of required improvements installed equals or exceeds the amount of the request. To ensure that sufficient funds remain for completion of the remaining required improvements, the County Engineer shall release not more than 90 percent of the dollar amount of required improvements certified as completed during the period for which a reduction is requested, provided the amount is not reduced to less than 20 percent of the original cost estimate amount. [Ord. 2014-025]

**3. Release of Guarantee**

The guarantee shall only be released upon acknowledgment of completion of the required improvements pursuant to Art. 11.B.5.G, Acknowledgment of Completion and Maintenance of Required Improvements. Two weeks prior to the release of the guarantee, the County Engineer shall notify the appropriate District Commissioner of intent to release. [Ord. 2014-025]

**E. PBC Use of Funds; Failure of Developer to Complete**

The County Engineer, as the authorized agent of the Board, shall have the right to any funds available under the guarantee 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 Art. 11.B.5.B, Time of Completion of Required Improvements. The County Engineer shall send the developer a courtesy written notice of PBC's intent to expend any drawn funds or demand performance, as applicable. Such notice shall be sent at least 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 Land Development Permit records on file with the County Engineer. [Ord. 2014-025]

**F. Administration of Construction**

**1. Construction Standards**

Construction standards shall be those prescribed in the current PBC Standards.

**2. Inspections, Reports, and Stop Work Orders**

The County Engineer shall be notified in advance of the date of commencement of construction pursuant to the Land Development Permit, and of such points during the progress of construction for which joint review by the County Engineer and developer's engineer are required.

- a. Construction shall be performed under the surveillance of, and shall at all times be subject to, review by the County Engineer; 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 Code.
- b. The developer's engineer shall provide progress reports of the construction of the required improvements to the developer. The developer's engineer may also be required to submit construction progress reports directly to and at points of progress prescribed by the County Engineer. The developer's engineer shall coordinate joint reviews of the construction with the County Engineer at points specified by the County Engineer. [Ord. 2014-025]
- c. The County Engineer and his or her designees 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 County Engineer 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. [Ord. 2014-025]

**3. Measurements and Tests**

During construction, the developer's engineer 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 Article. The County Engineer may require, at his discretion, specific types and locations of tests and measurements which he deems 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 County Engineer. The certificate shall be signed and sealed by the developer's engineer and shall be in a form established by the County Engineer, as prescribed in the Land Development Forms Manual. 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, showing the original design in comparison to the actual finished work with all material deviations noted thereon. [Ord. 2018-018]

**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 year after acknowledgment of completion pursuant to this Section. Said warranty shall be submitted to the County Engineer along with the completion certificate and project records. The warranty shall be in a form approved by the County Attorney and prescribed in the Land Development Forms Manual.

**2. Acknowledgment of Completion by County Engineer; Release of Guarantee**

Upon submittal of the documents and records required by Art. 11.B.5.F.4, Engineer's Certificate of Completion, and Art. 11.B.5.G.1, Developer's Warranty on Workmanship and Material, and recorded copies of the approved maintenance and use covenants, the County Engineer shall determine the completeness of the required improvements in accordance with the provisions of this Article and the Land Development Permit. When the County Engineer determines that the required documentation is

acceptable and the required improvements have been installed as required by this Article, he shall acknowledge completion of the required improvements and, when a guarantee has been posted, release the guarantee in accordance with the following: [Ord. 2014-025]

**a. If the Final Plat Has Been Recorded**

When the applicable plat has already been recorded, the County Engineer shall issue a written statement to the developer acknowledging completion of required improvements and releasing the guarantee.

**b. If the Final Plat Has Not Been Recorded**

When the Final Plat has not been recorded, at the time of acknowledgment of completion the County Engineer shall review said Final Plat for conformance with current certification and approval requirements. Upon determining that the Final Plat meets said requirements, the County Engineer shall approve the plat and submit it to the Clerk of the Circuit Court for recordation.

**c. Effect of Release**

Issuance of the statement acknowledging completion and, when applicable, releasing the guarantee 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 required under Art. 11.B.5.G.1, Developer's Warranty on Workmanship and Material. [Ord. 2014-025]

**3. Acceptance of Dedications and Maintenance of Improvements**

The acceptance by the Board of any dedication to the Board of public space, parks, R-O-W, easements, or the like on a plat shall not in itself constitute an acceptance by PBC 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 Board shall be made as follows:

**a. Acceptance of Dedications**

The recordation of a Final Plat, subsequent to the County Engineer's approval of said Final Plat for recordation, shall constitute acceptance by the Board of any and all dedications to the Board as stated and shown on the plat.

**b. Acceptance of Dedications of Real Property**

For those dedications to the Board 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 PBC policy for acceptance of deeds, shall be submitted to the County Engineer at the time of submittal of the applicable Final Plat for recordation. Said deed(s) shall be on a form approved by the County Attorney, and shall be recorded by PBC subsequent to recordation of the applicable Final Plat.

**c. Acceptance of Improvements for PBC Maintenance**

At such time as the County Engineer has issued a statement acknowledging completion of the required improvements and the applicable plat has been recorded, the County Administrator or the County Engineer, on behalf of PBC, shall accept maintenance responsibility for the required improvements to streets and to such other areas dedicated to the Board in accordance with the dedications shown on said record plat, and shall issue a written statement confirming acceptance of said maintenance responsibility.

**4. PBC Completion in Recorded Subdivisions**

PBC may complete the required improvements, under the guarantee provided by the developer, when the corresponding plat has been recorded and the developer fails to complete the required improvements as required by this Article. In such case, the County Engineer shall call upon the guarantee 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 County Engineer shall report to the Board and the Board may accept by Resolution the dedication and maintenance responsibility as indicated on the plat. In such cases, the remaining guarantee posted by the developer shall be retained for a period of one year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guarantee.

**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 in Art. 11.B.5.B, Time of Completion of Required Improvements, except pursuant to Art. 11.B.3.B, Involuntary Substitution of Developers, all previous approvals applicable to the proposed subdivision shall be deemed void. [Ord. 2014-025] [Ord. 2022-018]

## Section 6 Supplemental Procedures

### A. Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts

#### 1. Purpose

It is the purpose of this Subsection to allow for the construction or placement of structures and plants adjacent to, or over, water bodies within water management tracts or areas established for associated maintenance access, while taking measures to ensure that such structures or plants shall not interfere with the proper functioning of the stormwater management system nor be otherwise detrimental to the health, safety, welfare, or convenience of the public or of persons responsible for or affected by a water body within a water management tract.

#### 2. Prohibition

The placement or construction of trees, shrubs, or structures within any water management tract established for purposes of wet detention/retention in an open water body, 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, except in strict conformance with the provisions of this Subsection.

#### 3. Application Requirements for Bulkheads, Docks, or Piers

Persons desiring to construct bulkheads, docks, or piers over or along a water body contained within a water management tract shall apply to the Director of ERM in accordance with the applicable provisions of Art. 4.B.10, Excavation Uses. [Ord. 2017-007]

#### 4. Application Requirements for Structures or Plantings in LMEs

Persons desiring to place trees or shrubs or construct or place structures within a LME shall apply to the County Engineer. Approval by the County Engineer shall be required prior to installation when said planting or construction is to encroach a lake maintenance easement within a plat for which the associated required improvements have not been acknowledged as complete, pursuant to the applicable Land Development Permit and Art. 11.B.5.G, Acknowledgment of Completion and Maintenance of Required Improvements, or when the County Engineer determines that there is a continuing PBC or public beneficiary interest in said easement. Prior to granting such approval, the County Engineer shall ensure that adequate conditions are imposed, and appropriate documents are executed and, if appropriate, recorded to ensure compliance with the provisions of this Subsection and approvals granted pursuant to this Article. [Ord. 2014-025]

#### 5. Structures or Plantings

The provisions herein shall be applied to required approvals by the County Engineer for the installation of structures or plantings in, on, or over lake maintenance easements. The following criteria shall apply to the installation of such structures and plantings:

- a. No structure or above-grade construction, except that which may be easily removed, shall be permitted in lake maintenance easements. Examples of impermissible structures are houses, garages, screened enclosures, concrete block walls, concrete decks, affixed permanent sheds, and pools. Examples of permissible structures are thatch sheds, wood decks, and non-concrete fences, contingent on said structures not being structurally affixed to the ground;
- b. Trees or shrubs shall not be planted, nor structures placed, in the lake maintenance easement where the planting or placement of such would obstruct access by equipment to outfalls or water control structures;
- c. A removal declaration in a form acceptable to the County Attorney shall be recorded, at the expense of the Property Owner;
- d. The POA consent to the specific structure(s), tree(s), or shrub(s) shall be required where a POA has responsibility for lake maintenance. If any other entity has a beneficiary interest in the easement or a responsibility for lake maintenance, that entity's consent shall be required; and,
- e. Trees or shrubs planted pursuant to this Subsection shall be limited to those species permitted under Art. 7, Landscaping, Appendix A, PBC's Preferred Species List – Plant Materials Database, As Amended, and shall not include any portion of the minimum site landscaping required pursuant to Art. 7.C, Landscape Buffer and Interior Landscaping Requirements. [Ord. 2018-018]

#### 6. Repair, Replacement, or Modification

Any repair, replacement, or modification, except ordinary maintenance, to any planting or structure approved pursuant to this Subsection, shall be done only after being approved as new planting or construction pursuant to this Subsection.

**B. Dredge, Fill, and Construction in Waters of the State**

**1. Applicability**

Subdivision of lands containing or abutting existing or proposed waters of the State, including canals, lakes, streams, and wetlands, shall comply with and conform to the requirements of this Subsection.

**2. Easements or Rights-of-Way (R-O-W)**

Where land within a proposed subdivision abuts existing or proposed waters of the State, there shall be provided a floodway or floodplain easement or a drainage R-O-W conforming substantially with the lines of such watercourse or water body and of such further width or construction or both as will be adequate for the purpose. Additional easement or R-O-W width may be required where necessary for maintenance, safety, and convenience. Each required easement and R-O-W shall be deeded or dedicated to an appropriate public agency. Maintenance responsibility and use limitations applicable to said easements and rights-of-way, or any facilities placed therein, shall be in accordance with all applicable permit conditions and shall be stated or referenced by note on the appropriate plat(s).

**3. Permits**

Where proposed dredging or filling affects waters of the State of Florida or sovereign land, said activities shall be approved by the governing agency having jurisdiction in such matters. Prior to the construction of any seawall, bulkhead, dock, or pier, a construction permit shall be obtained from the Building Division in addition to all required permits or expressed exemption from permitting for construction in waters of the State of Florida.

**C. Alternate Design, Construction Standards, and Types of Materials**

**1. Applicability**

Alternate designs, construction standards, and types of materials which, in the opinion of the County Engineer, 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 County Engineer, prescribed in the Land Development Forms Manual, and made available to the public. 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 45 days of receipt of such application, the County Engineer 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 County Engineer 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 7 Requirements for Certified Abstracted Boundary Survey**

**A. General**

The County Engineer shall adopt and amend, from time to time, the criteria for the certified boundary survey. At a minimum, the certified boundary survey shall meet the requirements for boundary surveys established by the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Rules 5J-17.050-.052, F.A.C., pursuant to F.S. § 472.027. [Ord. 2011-016]

**B. Alternatives**

The County Engineer shall reserve the right to require 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 Rules 5J-17.050-.052, F.A.C., pursuant to F.S. § 472.027, as amended, and the PBC Description Checklist pursuant to policies and procedures established by the County Engineer and made available to the public. [Ord. 2011-016]

**C. Recordation**

The certified boundary survey or sketch and legal description shall not require approval of the Board prior to recordation. [Ord. 2011-016]

## **CHAPTER C RURAL SUBDIVISIONS**

### **Section 1 Alternate Designs for Rural Subdivisions**

#### **A. Applicability**

This Section provides for a means of establishing a rural subdivision, as defined by this Code, in harmony with the character of surrounding development while meeting the general purpose and intent of this Article. Due to the rural nature of proposed development, standard requirements for certain required improvements may be deemed inappropriate and alternative standards for such improvements may be approved under this Section.

#### **B. Application Requirements**

Upon submission of the Subdivision Plan, and an application for a rural subdivision designation, the DRO may approve the application for election to comply with this Section. A rural subdivision shall meet the platting requirement of this Article.

#### **C. Exceptions to Requirements**

All requirements of this Article shall apply except that the following required improvement design options shall be allowed under this Section.

##### **1. Access and Circulation Systems**

Local Streets may be developed without a wearing surface but shall otherwise conform to the standards specified by this Article. All other streets of higher classification, as defined in this Article, shall be constructed to meet or exceed PBC Standards. Streets constructed without a wearing surface shall be privately maintained and shall not be considered for dedication or acceptance as public streets until paved, reconstructed, and tested, as necessary, to meet PBC Standards. Costs of maintenance and further development of the Local Streets in a rural subdivision shall be borne solely by the owners of the property within the subdivision. Sidewalks and bike paths shall not be required when Local Streets are constructed without a wearing surface. The developer and any subsequent owner/seller shall fully disclose to the purchaser the method of payment of costs of maintenance and improvements of Local Streets developed without a wearing surface. The developer shall adequately warrant, by recorded covenant, that PBC will not be liable for cost of maintenance or further development of Local Streets constructed without a wearing surface. The method and form of said disclosures and covenants shall be subject to approval by the County Attorney, prior to recordation of a Final Plat for such subdivision.

##### **2. Wastewater System**

Rural subdivisions may utilize an individual system in accordance with Art. 11.E.1.A.4, Wastewater System.

##### **3. Potable Water System**

Rural subdivisions may utilize an individual system in accordance with Art. 11.E.1.A.5, Potable Water System.

##### **4. Utilities Installation**

Utilities may be installed above ground in rural subdivisions.

## **CHAPTER D PLATTING**

### **Section 1 Requirements for the Preliminary and Final Plat**

#### **A. Preliminary Plat**

The Preliminary Plat shall meet the requirements of the Final Plat, except that it shall be submitted without the required signatures and seals. It may also be submitted without maintenance and use covenants, condominium documents, deeds, or other legal documents not related to the boundary survey or engineering design of the project. [Ord. 2011-016]

#### **B. Final Plat**

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

##### **1. Material**

The plat shall be drawn or printed on 24-inch by 36-inch stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency, or other approved material. [Ord. 2010-022]

## **2. Preparation**

The plat shall be prepared by a Surveyor and Mapper, and is to be clearly and legibly drawn with black permanent drawing ink or veritype process to a scale of not smaller than one inch equals 100 feet, or as otherwise determined by the County Engineer.

## **3. Name of Subdivision**

The plat shall have a name acceptable to PBC. 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.

## **4. Title**

The plat shall have a title printed on each sheet in bold legible letters containing:

- a. The name of the subdivision, printed above and in letters larger than the balance of the title;
  - b. The name of the County and State;
  - c. The section, township, and range as applicable or if in a land grant, so stated;
  - d. When the plat is a replat of or addition to an existing plat of record, the words "section," "unit," "replat," etc.; and,
  - e. When the plat encompasses lands in a Planned Unit Development, the abbreviation "PUD."
- Likewise, all other Planned Developments shall contain the appropriate abbreviation for such designation within the title.

## **5. Description**

There shall be lettered or printed upon the plat a full and detailed description of the land embraced in the plat. The description shall show the section, township, and range in which the lands are situated or if a land grant, so stated, and must be so complete that from it without reference to the map the starting point can be determined and the boundaries run.

## **6. Index**

If more than one sheet is required for the map, the plat shall contain an index map on the first page, showing the entire subdivision and indexing the area shown on each succeeding map sheet. Each map sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines between map segments.

## **7. Survey Data**

The plat shall show the length of all arcs together with central angles, radii, and points of curvature. Centerlines shall include chord and chord bearing to the above mentioned. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, R-O-W, street, easement, and all other areas shown on the plat and all areas shall be within the boundary of the plat as shown in the description. The plat shall also include the following items in the manner described below:

- a. The scale, both stated and graphically illustrated, shall be shown on each sheet;
- b. A prominent north arrow shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend;
- c. The point of beginning shall be boldly shown together with the letters "P.O.B." in bold letters;
- d. All intersecting street lines shall be joined to form required corner clips pursuant to PBC Standards, and all dimensions shall be shown;
- e. All adjoining property shall be identified by a subdivision name, Plat Book, and Page or, if unplatted, the land shall be so designated;
- f. Permanent reference monuments shall be shown in the manner prescribed by F.S. ch. 177, as amended or as otherwise required by the County Engineer. All information pertaining to the location of "P.R.M.s" shall be indicated in note form on the plat. Permanent control points, permanent reference monuments, and monuments shall be designed and set as prescribed by F.S. ch. 177, as amended or as otherwise required by the County Engineer. It is the responsibility of the Surveyor and Mapper to furnish the Clerk and Comptroller of Palm Beach County with their certificate that the "P.C.P.s" and all monuments according to F.S. § 177.091(9), have been set and the dates said "P.C.P.s" and monuments were set; [Ord. 2010-022]
- g. 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 shall reserve three inches on the left margin and a half-inch margin on all remaining sides; [Ord. 2010-022]

- h. The map shall mathematically close within one-hundredth of a foot and shall be accurately tied to all PBC or reestablished township, range, and section lines occurring within the subdivision by distance and bearing; [Ord. 2010-002]
- i. The initial point in the description shall be accurately tied to the nearest quarter section corner or section corner or government corner. Each government corner being used shall be identified. If the subdivision being platted is a resubdivision of a previously recorded subdivision, then a tie to a permanent reference monument from the parent plat is sufficient. If the subdivision is a resubdivision of a part of a previously recorded subdivision, sufficient ties to controlling lines appearing on the parent plat must be provided to permit an overlay. The position and orientation of the plat shall conform to the Florida State Plane Coordinate System in the manner established by the County Engineer and prescribed in the Land Development Forms Manual; [Ord. 2010-022]
- j. The cover sheet or first page of the plat shall show a vicinity sketch, showing the subdivision's location in reference to other areas of PBC; [Ord. 2010-022]
- k. A complete legend of abbreviations shall be shown;
- l. All lettering on the plat shall be at a minimum one-tenth of an inch in height;
- m. The plat boundary and all parcels shown on subdivision plats intended to be conveyed in fee title shall be delineated by solid lines;
- n. Lines intersecting curves shall be noted as radial or non-radial as the case may be;
- o. A note addressing any abandoned underlying lands or easements, including record information, shall be shown; and,

**p. Tabulation of Survey Data**

- 1) The use of tangent tables is not permitted. However, at the discretion of the County Engineer on a case-by-case basis, the use of a tangent table to reflect corner clip chords, centerline chords, and chord bearings may be permitted if deemed necessary to meet requirements of neatness and clarity of the plat. Scale factors shall not be considered. Such tables, when permitted, must appear on the map sheet to which they refer and tangents shall be numbered consecutively through the entire presentation.  
The possible exception noted above shall be limited to use on plats and shall not be carried into any other survey documents submitted for approval to the County Engineer.
- 2) Curve data may be tabulated subject to the following conditions or exceptions:
  - a) External boundary data may not be tabulated;
  - b) Where data is tabulated, a minimum of the arc length and the curve designation number or letter will be shown on site; and,
  - c) Curve tables reflecting the tabulated data will appear on the map sheet on which the curves appear.

**8. Lot and Block Identification**

Each lot and block shall be numbered or lettered. All lots shall be numbered or lettered by progressive numbers or letters individually throughout the subdivision or progressively numbered or lettered in each block. Blocks in each incremental plat shall be numbered or lettered consecutively throughout a subdivision.

**9. Street Names**

The plat shall show the name of each street as shown on the Final Subdivision Plan and conforming with Art. 11.E.2.A.20, Street Names.

**10. Not Included Parcels**

Not included or excepted parcels must be marked "not a part of this plat." Where a not included parcel is completely surrounded by areas included within the plat, sufficient easements or rights-of-way to provide necessary access, utilities, and drainage to the not included parcel shall be provided. No parcel of land shall be reserved by the owner unless the same is sufficient in size and area to be of some particular use or service. The intended use of all reserved areas shall be shown on the plat in note form on the cover sheet.

**11. Streets and Easements**

All street, R-O-W, and easement widths and dimensions shall be shown on the plat. Easements are to be tied at both ends at intersecting boundary, lot, or R-O-W lines. The plat shall show the name, location, and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.

**12. Maintenance and Use Documents**

Maintenance and use covenants, as required by Art. 5.F.1, Maintenance and Use Documents, shall be submitted with the Final Plat and approved by the County 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.

**13. Streets**

All streets and their related facilities which are designed to serve more than one lot or dwelling unit shall be dedicated to the Board for public use, unless otherwise required or permitted by this paragraph or elsewhere in this Article. Any street which is to be reserved, as a private street shall be identified as a tract for private street purposes. Such street tracts shall be reserved in accordance with Art. 11.D.1.B.15.a, Dedication and Reservation. Private streets may only be permitted when such streets are subject to a recorded declaration of covenants subjecting the streets to the jurisdiction and control of all lot owners deriving access from such streets, their successors, and assigns. When parking areas are required to be constructed by Art. 11.E.2, Access and Circulation Systems, they shall be reserved to and shall be the perpetual maintenance responsibility of a POA, which association shall have jurisdiction over the parking area and the lots. Such parking areas shall be clearly identified and reserved as tracts for parking and access purposes.

**14. 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 PBC approvals or permits as required for such encroachment or as otherwise exempted for ZLL maintenance and overhang easements in accordance with Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement. [Ord. 2015-031]

**15. Certification and Approvals**

The plat shall contain on any of the title pages the following certifications and approvals, acknowledged as required by law, all being in the form set forth below. However, the County Engineer's approval certification and seal shall be contained on the face or first page. [Ord. 2014-025]

**a. 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 include, but are not limited to: civic sites, parks, R-O-W for streets, or alleys, however the same may be designated; easements for utilities; R-O-W 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:

- 1) The name of the recipient or beneficiary of the dedication or reservation (including successors and assigns);
- 2) The purpose of the dedicated or reserved area; and,
- 3) The name of the entity responsible for the perpetual maintenance of the dedicated or reserved area (including successors and assigns). In the event PBC is not the recipient or beneficiary of the dedication or reservation, the statement of maintenance responsibility shall include the phrase "without recourse to the County."

If so required, certain dedications or reservations shall grant PBC 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 Board. All dedications, reservations, and acceptances shall be executed in the same manner in which deeds are required to be executed according to Florida Statutes.

Although the term "dedication" is meant to imply a public use while the term "reservation" is meant to imply a private use, the terms may inadvertently be used interchangeably. Inadvertent misuse shall not invalidate any PBC requirement or plat dedication or reservation.

**b. 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. The form for the mortgagee's consent shall be as prescribed in the Land Development Forms Manual.

**c. Certification of Surveyor and Mapper**

The Final Plat shall contain the signature, registration number, and official seal of the Surveyor and Mapper, 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 F.S. ch. 177, as amended, and this Article. If the Surveyor and Mapper is part of a legal entity, the name, address, and certificate of authorization number of said entity shall be shown. The certification shall also state that permanent reference monuments ("P.R.M.s") have been set in compliance with F.S. ch. 177, as amended, and this Article. When the permanent control points ("P.C.P.s") and monuments according to F.S. § 177.091(9), are to be installed after recordation, the certification shall also state that the "P.C.P.s" and said monuments will be set under the direction and supervision of the Surveyor and Mapper under the guarantee 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" and monuments have been set in compliance with the laws of the State of Florida and Ordinances of PBC. The form for the Surveyor's certificate shall be as prescribed in the Land Development Forms Manual. [Ord. 2010-022]

**d. PBC Approval**

Signing and sealing of the Final Plat by the County Engineer shall constitute PBC approval of the plat for recordation. The plat shall contain the approval and signature block for the County Engineer in the form prescribed in the Land Development Forms Manual. Upon approval of the plat, the County Engineer shall present the plat to the Clerk and Comptroller of Palm Beach County for recording. [Ord. 2010-022]

**e. 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 the State of Florida, or the certification of an abstractor or a title insurance company licensed in the State of Florida, and shall state that:

- 1) 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;
- 2) All taxes have been paid on said lands as required by F.S. § 197.192, as amended;
- 3) All mortgages on the land are shown and indicated by their Official Records Book and Page number;
- 4) There are no encumbrances of record on said lands that would prohibit the creation of the proposed subdivision; and,
- 5) All Palm Beach County special assessment items and all other items held against said lands have been satisfied. [Ord. 2010-022]

The form for the title certification shall be as prescribed in the Land Development Forms Manual.

**f. Preparing Surveyor and Mapper**

The name and address of the natural person who prepared the plat shall be shown on the plat in the form prescribed in the Land Development Forms Manual.

**C. Mobile Home, Recreational Vehicle, and Manufactured Housing Subdivisions**

Areas to be subdivided for the purpose of a Mobile Home, recreational vehicle, or manufactured housing development shall also comply with this Subsection. Except as to the lots indicated for other purposes, the dedications and reservations on the plat of a Mobile Home Subdivision shall include the following additional provisions or wording equal thereto: "Said owner(s) hereby reserve(s) the lots shown on the plat exclusively for mobile home, recreational vehicle, or manufactured housing, parking and uses incidental thereto, and, except as to these lots, mobile home or trailer parking is prohibited elsewhere." Areas indicated as parks or playgrounds are to be reserved for the use of the owners of the lots shown on the plat.

## **CHAPTER E REQUIRED IMPROVEMENTS**

### **Section 1 Required Improvements**

**A. Minimum Required Improvements for All Subdivisions**

Except when waived pursuant to Art. 11.A.8.F, Exceptions to Installation of Improvements Requirement, 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 Improvement Element, and other Elements of the Plan. 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 Article. Except as provided in this Section, the cost of all required improvements shall be guaranteed. [Ord. 2011-016] [Ord. 2014-025]

## **1. Access and Circulation Systems**

All streets and required sidewalks, and, when required under Art. 11.E.2, Access and Circulation Systems, parking areas shall be constructed by the developer in accordance with the design and construction requirements of Art. 11.E.2, Access and Circulation Systems. The guarantee for these requirements shall be as follows:

- a. The cost of installing all street improvements shall be guaranteed.
- b. 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 (CO).
- c. The cost of installing all sidewalks and paths pursuant to the approved pedestrian circulation system shall be guaranteed, except that the required guarantee may be waived by the County Engineer for portions of Local Streets abutting residential lots when the paving, grading, and drainage plans contain a note, acceptable to the County Engineer, stating that such sidewalks or paths will be constructed concurrent with construction of the dwelling unit for such abutting lot. Installation of sidewalks and paths in streets abutting open space, common areas, recreation areas, water management tracts, and other areas which will not have a dwelling unit constructed thereon shall be guaranteed.

## **2. Land Preparation**

The developer shall grade and fill the land pursuant to Art. 11.E.3, Clearing, Earthwork, and Grading.

## **3. Stormwater Management System**

The developer shall install the secondary and tertiary stormwater systems for the development in accordance with Art. 11.E.4, Stormwater Management. On lots intended for building construction, the final grading of each lot, consistent with Art. 11.E.4, Stormwater Management, or the applicable approved grading plan, shall be done in conjunction with and pursuant to the Building Permit for said construction.

## **4. Wastewater System**

The developer shall install the required wastewater collection and/or disposal system for the development in accordance with Art. 11.E.5, Wastewater Systems.

## **5. Potable Water System**

The developer shall install the required potable water distribution system for the development in accordance with Art. 11.E.6, Potable Water Systems.

## **6. Utilities**

The developer shall satisfy the requirements for underground installation of utility services and for utility site location, when applicable, of Art. 11.E.7, Utilities.

## **7. Fire-Rescue Services**

The developer shall comply with the requirements of Art. 11.E.8, Fire-Rescue Services. The cost of installing the required hydrants may be included in the cost for the central water system.

## **8. Subdivision Design and Survey Requirements**

The developer shall install all required permanent control points in accordance with Art. 11.E.9, Subdivision Design and Survey Requirements. When the permanent control points are to be installed after plat recordation, the cost of installing permanent control points shall be guaranteed.

## **B. General Design Requirements**

The design of the required improvements shall be in accordance with acceptable engineering principles. The design and construction of required improvements shall, at a minimum, be in accordance with current PBC Standards, including those contained in this Article. Should the developer 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 County Engineer in accordance with Art. 11.B.6.C, Alternate Design, Construction Standards, and Types of Materials.

## **Section 2 Access and Circulation Systems**

### **A. Vehicular Circulation Systems**

#### **1. Required Improvements to be Constructed by Developer**

All streets, required 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 BCC or reservation for private use and maintenance, shall be constructed to the minimum standards established by this Article and PBC Standards. Additionally, the developer shall construct any parking tracts which provide access to any lots that do not have direct, primary access from a Local Street or

Residential Access Street. Construction of such parking tracts shall be completed prior to issuance of any CO for any dwelling unit located on a lot served by such parking tract. Construction of the parking tract may be done in conjunction with building construction on the lot the tract is to serve; provided, however, that such construction shall be noted on the approved paving, grading, and drainage plans in a form acceptable to the County Engineer. When the parking tract is to be completed in conjunction with building construction, the developer shall execute a Certificate of Compliance on a form approved by the Building Director prior to issuance of the CO for any dwelling unit or building served by such parking tract. Said Certificate of Compliance shall state that the parking tract was completed in accordance with the requirements of Art. 6, Parking, Loading, and Circulation.

## **2. Minimum Legal Access Requirement**

There is hereby established a hierarchy of legal access as shown on Table 11.E.2.A, Chart of Access Hierarchy. Except as provided below, each lot shall abut a street of suitable classification to provide said lot with legal access consistent with the standards set forth in Table 11.E.2.A, Chart of Minor Streets.

- a. A 32-foot Residential Access Street may, with prior approval by the County Engineer, be utilized for legal access to a group of not more than four abutting lots where said lots would otherwise have no reasonable means of obtaining direct access to or required frontage on an adjacent street. Said Residential Access Street shall be delineated and reserved on the applicable plat for purposes of perpetual access to the lots served. [Ord. 2014-025]
- b. A common parking lot may be utilized for legal access to individual lots created by subdivision of a shopping center or similar building site developed solely for commercial or industrial uses where all 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 County Attorney pursuant to Art. 5.F.1, Maintenance and Use Documents. Where such access is utilized, direct lot access on any street adjacent to the boundary of the subdivision shall be prohibited except at common access points approved for the subdivision as a whole.
- c. Traditional Development Districts shall utilize special access streets as defined in Art. 3.F, Traditional Development Districts (TDDs).

## **3. General Design Considerations**

The proposed street layout shall be integrated with PBC's traffic circulation network, and shall be coordinated with the street system of the surrounding area. Streets shall be classified and designed in accordance with the Transportation Element of the Plan, Table 11.E.2.A, Chart of Minor Streets, as applicable, and PBC Standards. Consideration shall be given to:

- a. The need for continuity of existing and planned streets;
- b. Barriers imposed by topographical conditions and their effect on public convenience or safety;
- c. The proposed use of the land to be served by such streets;
- d. The need for continuation of existing Local Streets in adjoining areas not subdivided;
- e. The proper projection of Non-Plan Collector and Plan Collector Streets;
- f. The feasibility of extending the proposed street system to the boundary of the proposed subdivision to promote reasonable development of adjacent lands and to provide continuity of street systems; and,
- g. Discouraging through traffic in the design of Local and Residential Access Streets.

## **4. Double Frontage Lots and Corner Lots**

Where a lot has two frontage lines, legal access to the lot shall be restricted as follows:

### **a. Residential Lots**

Where a lot abuts both a street of Non-Plan Collector or higher classification and a Local Street, access to said lot shall be by the Local Street. [Ord. 2014-025]

### **b. Non-Residential Lots**

Where a lot abuts streets of Local or higher classification, access to the lot shall be by the street of lower classification, unless otherwise permitted by this Code; provided, however, that access shall not be permitted on a Local Residential or Residential Access Street as prescribed on Table 11.E.2.A, Chart of Minor Streets, unless the street cross section is improved to meet Local Commercial standards. [Ord. 2018-018]

## **5. Construction in Muck or Clay Areas**

Construction in muck or clay areas shall be done in accordance with PBC Standards.

## **6. Street Intersections and Street Jogs**

The centerline intersections of Local or Residential Access Streets with Non-Plan or Plan Collector Streets shall be spaced a minimum distance of 200 feet, as measured along the centerline of the Collector Street, or as otherwise required by the County Engineer. Connection of Local Streets to

Arterial Streets may be permitted by the County Engineer only where other access is unavailable. Local Street connections with centerline offsets of less than 125 feet are prohibited, unless the offset is to allow through lanes to align and is approved by the County Engineer. [Ord. 2014-025]

**7. Through and Local Traffic**

Through traffic shall be directed along Non-Plan Collector Streets within the subdivision. Local Streets shall be laid out to accommodate local or neighborhood traffic and to discourage their use by through traffic.

**8. Railroads in or Abutting Subdivisions**

When a subdivision borders on or contains a railroad R-O-W, a street approximately parallel to and on each side of such right-of-way may be required at a distance suitable for an appropriate use of the intervening land.

**9. Alleys**

Alleys may be allowed in subdivisions when they are necessary, in the opinion of the County 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:

**a. Residential Areas**

Alleys shall be paved ten feet wide in a minimum 12-foot R-O-W, with appropriate radii for the intended use.

**b. Commercial and Industrial Areas**

Alleys shall be paved 18 feet wide in a minimum 20-foot right-of-way, with appropriate radii for the intended use.

**10. 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 County Engineer. Bridges shall have a clear roadway width between curbs two feet in excess of the pavement width in each direction, and shall have sidewalks six feet wide on each side. All bridge structures shall be designed for HL-93 and all Florida Legal Loads, incorporating adequate corrosion protection for all metal work and erosion protection for associated shorelines and embankments. [Ord. 2014-025]

**11. Street Markers**

Street markers shall be provided at each intersection in the type, size, and location required by the current PBC Standards. Street name signs shall carry the street name shown on the plat of record and shall be in compliance with the current PBC Standards.

**12. Traffic Control Devices**

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

**a. Pavement Markings or Lane Delineators**

Pavement markings and/or lane delineators meeting the requirements of PBC shall be installed on all Arterial and Collector Streets. Pavement markings or delineators may be required on other streets such as project entrances, as determined by the County Engineer.

**b. Design**

The design of traffic control devices shall be in accordance with the Manual on Uniform Traffic Control Devices and the applicable PBC Standards.

**13. Pavement Widths**

Pavement widths for streets shall be in accordance with Table 11.E.2.A, Chart of Minor Streets. [Ord. 2018-018]

**14. Dead-End Streets**

Dead-end streets shall be designed and constructed with an appropriate terminal turnaround in accordance with the PBC Standards. Dead-end streets shall not exceed 1,320 feet in length, except where natural geographic barriers exist necessitating a greater length.

**15. 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 PBC Standards.

**16. Shoulders**

All unpaved shoulders shall be constructed and grassed in accordance with the PBC Standards. Grassing, with seed and mulch or with solid sod, as required, shall be completed prior to

acknowledgment of completion of the required improvements by the County Engineer. No time extensions to any contract for the construction of required improvements will be granted on the basis of incomplete shoulder treatment.

**17. Street Grades**

The longitudinal grade of street 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 PBC Standards. Street 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.

**18. Non-Conforming Streets**

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

**19. Limited Access Easements**

Limited access easements five feet in width may be required along Non-Plan Collector Streets and Major Streets in order to control access to such streets from abutting property, when necessary. Easements for controlling access to Local and Residential Access Streets may also be required by the County Engineer in order to ensure continued control of access to such streets from abutting property. All limited access easements shall be conveyed or dedicated to PBC. [Ord. 2013-001] [Ord. 2014-025]

**20. Street Names**

Proposed streets which are in alignment with existing named streets should bear the name of the existing street. 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 duplicate or be phonetically similar to existing street names. All proposed street names shall be submitted to the Executive Director of the PZB for approval prior to submittal of the Final Subdivision Plan application.

**21. Alignment, Tangent, Deflection, Radii**

Streets shall be laid out to intersect as nearly as possible at right angles. Intersections involving the junction of more than two streets shall be prohibited. The point of curvature of any Local Street or Residential Access Street shall not be closer than 100 feet to any intersection, measured along the centerline from the extension of the intersecting street lines unless the Engineer of Record provides documentation assuring adequate safe sight distance is provided as prescribed in the most recent FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways or the "Florida Greenbook." Reverse curves shall be prohibited. Reversals in alignment shall be connected by straight tangent segment at least 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 degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort. [Ord. 2014-025]

**22. Street Lighting**

If street lighting is installed it shall be maintained by a POA 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 R-O-W, 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 Art. 11.C.1.C, Exceptions to Requirements, or Art. 5.C, Design Standards.

**23. Median Strips**

Median strips which are part of a public street may not be utilized for any purpose other than by PBC or public utility. However, a developer or Property Owner may install landscaping in a median strip or within shoulders in accordance with requirements as established by the County Engineer pursuant to the PBC Streetscape Standards manual. [Ord. 2014-025]

## 24. Subdivision Entranceways

Subdivision entranceways consisting of signs, walls, fences, gates, rock piles, or other entrance features are not permitted within the median strip or other areas in a public street. Decorative entranceways must be constructed in compliance with applicable PBC Codes and placed so as not to constitute a traffic hazard. [Ord. 2014-025]

## 25. Guardhouses

A guardhouse, 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 guardhouse shall be 150 feet, measured from the extension of the intersecting street lines, unless waived by the County Engineer. Two lanes shall be required on each side of the median in the area of the guardhouse.

## 26. Access Waiver for Collocated Landscape Service in the AR Zoning District

The dimensional requirement pursuant to Table 11.E.2.A, Chart of Minor Streets shall be allowed if Standards a through c of Art. 2.B.7.D, Type 2 Waiver and the following is met: [Ord. 2020-007]

- a. The Waiver shall not be injurious to the area involved or otherwise detrimental to the public welfare. [Ord. 2020-007]

**Table 11.E.2.A – Chart of Access Hierarchy**

<b>Major Streets:</b> Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
<b>Expressway</b>
<b>Arterial</b>
<b>Plan Collector</b>
<b>Minor Streets:</b> Streets which constitute the internal circulation network of a development and which are not classified as a Major Street. Listed from highest to lowest category:
<b>Non-Plan Collector</b>
<b>Frontage Road</b>
<b>Local</b>
<b>Residential Access:</b> 40-foot 32-foot
<b>Alley</b> (secondary access only)
[Ord. 2014-025] [Ord. 2019-034]

**Table 11.E.2.A – Chart of Minor Streets**

Classification	Min. Width (Feet)		Max. Allowable ADT	Allowed as Legal Access For (1)	
	Street (2)	Pavement (3)		Commercial	Residential
<b>Non-Plan Collector (6)</b>	80	24	13,100	X	
<b>Marginal Access</b>	50	24	N/A	X	X
<b>Local Residential (4)</b>					
<b>Gutters</b>	50	20	1,500		X
<b>Swales</b>	60	20	1,500		X
<b>Local Commercial (6)</b>	80	24	13,100	X	X
<b>Residential Access</b>					
<b>One Sidewalk</b>	40	20	800		X
<b>No Sidewalk (5)</b>	32	20	40		X
[Ord. 2014-025] [Ord. 2019-034] [Ord. 2020-007]					
<b>Notes:</b>					
1.	An "X" under the Commercial or Residential column indicates the corresponding street classification is allowed as legal access.				
2.	Street width refers to standard R-O-W or private street tract width.				
3.	Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.				
4.	Allowed as legal access for any type of residential provided that the maximum allowable ADT is not exceeded. Also, streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. [Ord. 2018-018]				
5.	Use is restricted to streets providing access to up to four lots. [Ord. 2014-025] [Ord. 2019-034]				
6.	Collocated Landscape Service in the AR/RSA and AR/USA shall have legal access from a Local Commercial or higher classification street, unless a lesser width is granted by a Type 2 Waiver. [Ord. 2020-007]				

## **B. Pedestrian Circulation System**

### **1. Requirement for Sidewalks**

Except as provided in this Section, sidewalks shall be constructed on both sides of all streets. For frontage roads and streets with a width of less than 50 feet and greater than 32 feet, a sidewalk on one side at a minimum dimension of five feet is required. No sidewalk is required in streets with a width of 32 feet or less. Required sidewalks shall be constructed by the developer except as provided in Art. 11.E.1.A.1, Access and Circulation Systems. [Ord. 2014-025] [Ord. 2018-018]

### **2. Maintenance Responsibility of Sidewalks and Paths**

The control, jurisdiction, and maintenance obligation of paths not located wholly within a street and of sidewalks within private streets shall be placed with a Property Owners' Association or an improvement district. Where such control and maintenance obligation is to be placed with an improvement district, the district shall expressly accept said obligation upon the plat or by a separate instrument filed in the Public Records.

## **C. Reduction of Street Width**

When pedestrian circulation is to be accomplished solely by paths constructed outside the streets, the County Engineer through the DRO may approve a concurrent request by the developer to reduce Local Street widths from those required pursuant to Art. 11.E.2.A.2, Minimum Legal Access Requirement, by no more than eight feet if such reduction would neither reduce the vehicular carrying capacity and safety of the streets nor compromise the safety of pedestrians. [Ord. 2014-025]

## **D. Crosswalks**

When the block length exceeds 660 feet, a pathway between streets may be required where deemed essential by the County Engineer to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

## **Section 3 Clearing, Earthwork, and Grading**

### **A. Minimum Required Improvement**

The developer shall be required to clear all R-O-W 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, as determined pursuant to Art. 11.A.3.E, Site Suitability, and Art. 11.B.4.F, Soils Report. Replacement of unsuitable materials within streets and proposed public areas shall be satisfactory to and meet with the approval of the County 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 4 Stormwater Management**

### **A. Minimum Required Improvement**

The following shall be the minimum required improvements for all developments to implement the level of protection under the Utilities Element of the Plan.

1. A complete, fully functional tertiary stormwater drainage system, including necessary lot grading, ditches, canals, swales, storm sewers, drain inlets, manholes, headwalls, endwalls, culverts, and other appurtenances, shall be required for the positive drainage of stormwater runoff in conformance with the approved drainage plans.
2. A complete and fully functional secondary stormwater system shall be required in conformance with the approved stormwater management plan.
3. A means to convey all stormwater discharge from the development site to at least one point of legal positive outfall 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.
4. Adequate physical and legal means shall be provided to ensure the continued conveyance of all pre-development flow of surface waters into or through the development site from adjacent lands. Unless otherwise specified by Ordinance, regulation, or condition of development approval, such conveyance may be accomplished by incorporating the inflow into the on-site stormwater management system or diverting the inflow to its pre-development location of outflow from the development site, including

construction of all necessary conveyance facilities and establishment of appropriate easements to accommodate said inflow.

5. 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 construction of required improvements, and shall be maintained by the developer until such time that all required improvements are acknowledged as complete.

**B. General Criteria**

Secondary and tertiary stormwater facilities for each subdivision, and for each lot, street, and other development site within the subdivision, shall be designed and constructed so as to:

1. Prevent flooding and inundation to a degree consistent with levels of protection adopted by the Plan for buildings, streets, lots, parking areas, recreational areas, and open space;
2. 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;
3. Mitigate degradation of water quality and contravention of applicable State water quality standards in surface and groundwaters receiving stormwater runoff;
4. 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;
5. Provide for continued conveyance of pre-development stormwater runoff and surface waters that flow into or through the development site from adjacent lands;
6. Provide for long-term, low-maintenance, low-cost operation by normal operating and maintenance methods;
7. Provide for necessary maintenance of the pre-development range of groundwater levels to prevent adverse impacts on land uses and water resources of the development site and adjacent lands; and,
8. Promote percolation, recharge, and reuse of stormwater.

**C. Hydrologic Design Data**

Unless otherwise specified by a particular design or performance standard, or approved by the County 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:

1. Rainfall intensity-duration-frequency curves for FDOT – Zone 10;
2. Rainfall hyetographs of 24-hour total rainfall as published in SFWMD – Management and Storage of Surface Waters, Permit Information Manual, Volume IV;
3. Rainfall quantity (or intensity) versus time distributions in accordance with those published by SFWMD or FDOT, or the SCS – Type II (South Florida Modified) distribution;
4. 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; or,
5. 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 24-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.

**D. Design Flood Elevation Determination**

Unless otherwise specified by a particular design or performance standard, the 100-year flood elevation applicable to a development site shall be determined as the highest of:

1. The base flood elevation specified for the area of development located within zones designated A, AH, or A1-30 as delineated on the appropriate FIRM;
2. The wind or current-driven wave elevation specified for the area of development located within zones designated V1-V30 as delineated on the appropriate FIRM;
3. The inundation elevation obtained by adding the depth of shallow flooding to the area-weighted mean pre-development elevation of the area of development located within zones designated AO as delineated on the appropriate FIRM;
4. The 100-year inundation elevation established by SFWMD within specific sub-areas of the C-51 Canal and C-18 Canal watersheds pursuant to Chapter 40E-41, F.A.C., and as amended; or, [Ord. 2018-018]
5. Where not otherwise established by Chapter 40E-41, F.A.C., as amended, or by a PBC drainage plan adopted pursuant to the Plan, the maximum inundation elevation resulting from the total on-site storage of runoff produced by the 100-year, three-day rainfall event assuming fully developed site conditions and no discharge of surface water from the development site. [Ord. 2018-018]

## **E. 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 Plan.

### **1. 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:

- a. The minimum finished floor elevation of the principal building(s) to be constructed on a lot or portion thereof shall be at or above the 100-year flood elevation applicable to the building site.
- b. Site grading immediately adjacent to the perimeter of each building shall be sloped so as to drain away from the structure.
- c. 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.
- d. Each residential lot with gross area of one-quarter acre or less shall have a finished grade not lower than the maximum water surface elevation produced by the three-year, 24-hour rainfall event in any detention or retention facility receiving stormwater runoff from the lot.
- e. Each residential lot with a gross area greater than one-quarter acre shall have a finished grade as specified in Art. 11.E.4.E.1.d within 20 feet of any principal building site, unless alternate construction methods such as stem walls are approved by the County Engineer. The remainder of the lot shall be graded at sufficient elevation to ensure that inundation does not persist for more than eight hours following cessation of the three-year, 24-hour rainfall event, unless such area is designated for stormwater management purposes and included in an expressed easement for drainage, floodplain, or the like. [Ord. 2014-025]

### **2. Minor Street Drainage**

Except as provided in Art. 11.E.4.E.3, Non-Plan Collector Street Drainage, Minor Streets shall have tertiary drainage meeting or exceeding the following minimum requirements.

- a. The minimum edge of pavement elevation of any street segment shall be no lower than two feet above the control elevation of any detention or retention facility receiving runoff from that segment.
- b. Roadside swales shall conform to applicable PBC Standards and shall be designed and constructed such that:
  - 1) The flowline gradient is at least three-tenth percent, but not greater than two and one-half 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 rainfall event shall not exceed the adjacent edge of pavement at any point along the swale run. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every 600 linear feet of swale, and no single swale run shall exceed 400 feet to an inlet; 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.
- c. Curb and gutter drainage shall conform to applicable PBC Standards and shall be designed and constructed such that:
  - 1) The flowline gradient is at least one-fifth percent;
  - 2) The water surface elevation of flow resulting from peak runoff based on the three-year rainfall event shall not exceed the adjacent centerline elevation of pavement at any point. However, at least one storm sewer inlet or other acceptable discharge facility shall be provided for every 600 linear feet of pavement, and no single gutter run shall exceed 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.

### **3. Non-Plan Collector Street Drainage**

Non-Plan Collector Streets shall have tertiary drainage meeting all appropriate requirements for Minor Streets except that:

- a. Conveyance capacity of road drainage facilities shall be based on peak runoff resulting from the five-year rainfall event; and

- b. The water surface elevation of gutter flow resulting from peak runoff based on the five-year rainfall event shall not exceed the adjacent centerline elevation of the outermost travel lane at any point.

#### **4. Parking Tract and Parking Area Drainage**

Each residential parking area serving three or more dwelling units and all non-residential parking areas shall have a finished grade elevation not lower than the maximum water surface elevation produced by the three-year, 24-hour rainfall event in any retention, detention, or conveyance facility receiving stormwater runoff from the lot. However, where detention or retention is provided by subsurface exfiltration systems the finished grade shall be no lower than the maximum storage elevation produced by the five-year, 24-hour event.

#### **5. Storm Sewerage**

Storm sewerage shall be designed and constructed so as to meet or exceed the following requirements:

- a. Where not otherwise specified, all storm sewer system capacity design shall, at a minimum, provide for conveyance of peak inflow from the applicable catchment, based on the three-year rainfall event, such that the hydraulic gradient elevation does not exceed the grate or cover elevation at any inlet or manhole under tailwater conditions pursuant to Art. 11.E.4.C.5.
- b. Inlet times assumed for determining required street drainage system capacity shall not exceed ten minutes, unless adequate justification for use of longer times is submitted.
- c. Storm sewer pipe shall have a nominal diameter of not less than 15 inches, or equivalent oval pipe size. However, for stormwater sewerage systems to be maintained by PBC, storm sewer pipe shall have a nominal diameter of not less than 18 inches, or equivalent oval pipe size, unless otherwise approved by the County Engineer. The storm sewer pipe minimum diameter size may be reduced when the pipe is not within a right-of-way or Residential Access Street, subject to County Engineer approval. [Ord. 2013-001]
- d. Storm sewerage shall be designed to attain design flow velocities of not less than two and one-half feet per second in all pipe runs serving two or more inlets, nor greater than ten feet per second in any pipe run.
- e. 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.
- f. The maximum pipe run between access structures shall be:
  - 1) 300 feet for 15-inch and 18-inch pipe.
  - 2) 400 feet for 24 to 36-inch pipe.
  - 3) 500 feet for 42-inch and larger pipe.
- g. All pipe used in the storm sewer system shall be either reinforced concrete or metal, or as otherwise approved by the County Engineer, and covered by and conforming 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. [Ord. 2011-001]
- h. Concrete pipe shall have gasket joints.
- i. Metal pipe shall not be used beneath pavement within a street. [Ord. 2013-001]
- j. Drainage pipe shall be fitted with headwalls, endwalls, inlets, and other appropriate terminating and intermediate structures. Structure design shall meet or exceed FDOT standard specifications and policies applicable to the intended use. [Ord. 2013-001]

#### **F. Secondary Stormwater System Design and Performance**

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.

- 1. In addition to requirements expressly stated herein:
  - a. Secondary facilities for development subject to permitting by individual or general permit from SFWMD pursuant to Chapter 40E-4, F.A.C., Chapter 40E-40, F.A.C., or Chapter 40E-41, F.A.C., shall meet all requirements for issuance of the applicable permit; and
  - b. Secondary facilities for each residential, commercial, and industrial development exempt from SFWMD permitting pursuant to Chapter 40E-4, F.A.C., except an individual residential lot containing not more than two dwelling units, shall be designed and constructed on site, or otherwise be provided through authorized connection to off-site secondary facilities, so as to limit the discharge rate at the point of legal positive outfall to not more than the peak runoff rate produced by the site under pre-development conditions for both the three-year, one-hour and the 25-year, 72-hour rainfall events, and either:
    - 1) Detain the greater of the first one inch of runoff or the total runoff from the three-year, one-hour rainfall event; or

- 2) Retain the initial portion of runoff in an amount equal to one-half of that required to be detained.
2. No discharge of stormwater runoff resulting from rainfall up to and including the 25-year, 72-hour event shall take place from a development site except by means of one or more approved control structures, other than those existing inflows from off site for which separate, approved means of conveyance through the site have been provided. Further, the overflow weir within the approved discharge structures shall be set with an invert at the 25-year, 72-hour event unless otherwise permitted by the authority having jurisdiction over the property's point of legal positive outfall. [Ord. 2014-025]
3. Facilities for conveyance of discharge to each point of legal positive outfall shall be designed and constructed with adequate capacity to accommodate the combined flow from the applicable discharge structure(s) and all inflows from other contributory areas resulting from the 25-year, 72-hour rainfall event without overflow to adjacent lands.
4. Except where bulkheading is approved in accordance with Art. 4.B.10, Excavation Uses, each wet detention/retention facility designed for storage of stormwater runoff in an open impoundment shall have: [Ord. 2017-007]
  - a. Side slopes no steeper than four horizontal to one vertical extending to a depth of at least two feet below the design control elevation;
  - b. Side slopes no steeper than two horizontal to one vertical from two feet below control elevation to the bottom of the facility; and,
  - c. For properties requiring a Land Development Permit in accordance with Art. 11.B.2, Land Development Permit, a continuous berm, at least 20 feet wide with a cross slope no steeper than eight horizontal to one vertical, graded adjacent to the shoreline. Where said berm abuts any residential lot, it shall be graded at an elevation not lower than the maximum design water surface elevation resulting from the three-year, 24-hour rainfall event. Along portions of the impoundment where the design water surface is less than 40 feet wide at control elevation a berm shall be required on only one side, provided that adequate legal and physical access is established from a Minor Street to each separate segment of the remaining berm. [Ord. 2014-025]
5. Dry detention/retention facilities designed for storage in open impoundments shall have side slopes no steeper than four horizontal to one vertical, except where bulkheading is approved. [Ord. 2018-018]
6. All normally exposed side slopes and maintenance berms of open impoundments shall be fully grassed or otherwise protected from erosion.
7. Each piped inlet to an open impoundment shall have a concrete or sand-cement riprap endwall designed and constructed with suitable foundation for installation on the slope or bed of the impoundment as applicable. However, the endwall may be eliminated on inlets to wet detention impoundments where the pipe is installed with the crown at least two feet below the control elevation and with the pipe invert protruding at least two feet beyond the side slope.
8. Stormwater runoff from pavement, roofs, and unpaved areas of compacted soil surfaces with no significant vegetative cover shall be directed over grassed, pervious soil surfaces as diffused flow prior to entering wet detention/retention facilities or dry detention facilities in order to promote infiltration, particulate deposition, nutrient removal, and interception of debris or other undesirable materials which may overload, pass through, cause nuisance conditions in, or increase maintenance needs of said facilities.
9. In order to protect against overdrainage of surrounding lands, no control elevation shall be lower than the pre-development average annual mean water table elevation of the detention facility site. In areas with variable water table elevations, the County Engineer may require soil testing or additional information to determine on-site water table elevations. [Ord. 2014-025]
10. A perimeter berm with a top elevation equal to or greater than the stage for the on-site 25-year, 72-hour event shall be provided on site within a minimum of three feet from the property line such that all required grading occurs on site unless written approval is obtained from abutting Property Owners. Perimeter berms established on site greater than three feet from the property line shall include drainage provisions to prevent off-site stormwater discharge. [Ord. 2014-025]
11. If exfiltration trench is utilized for on-site water storage, the County Engineer may require stormwater stage calculations for the relationship between the exfiltration trench and rising water table. [Ord. 2014-025]

#### **G. Stormwater Management and Maintenance Access Rights**

1. Each secondary system facility for detention or retention of stormwater runoff in an open impoundment shall be placed entirely within a water management tract dedicated or deeded to an acceptable entity responsible for operation and maintenance of the stormwater management system.
2. Except as otherwise provided pursuant to this Article, there is hereby required around each water management tract established for purposes of wet detention or retention in an open impoundment a

lake maintenance easement a minimum of 20 feet in width and graded at a slope no steeper than eight horizontal to one vertical, coinciding with the required maintenance berm. The width of the easement shall be measured from the point at which the grade is not steeper than eight horizontal to one vertical. Lake maintenance from an abutting Local Street may be permitted by the County Engineer in accordance with good engineering practices. Access to a lake maintenance easement from at least one Minor Street shall be established as part of said easement or, when necessary, by separate express easement or other instrument of record. A lake maintenance easement shall be required on only one side of the water body or water management tract where the water surface at control elevation does not exceed 40 feet in width; provided, however, that elimination of said easement does not isolate any remaining lake maintenance easement from proper access. If the water surface at the control elevation is greater than 40 feet wide, a lake maintenance easement shall be required on both sides. No lake maintenance easement shall be required behind bulkheads; provided, however, an easement not less than ten feet in width shall be provided behind bulkheads where necessary to provide access to outfalls and, further, that elimination of said portion of lake maintenance easement does not result in isolating any remaining lake maintenance easement from required access. In a residential subdivision, lake maintenance easements, including required access, shall be established over common areas only, and shall not encroach residential lots.

3. Easements shall be provided where necessary at a width adequate to accommodate the stormwater management facilities. A minimum width of 12 feet shall be provided for underground storm drainage installations. Where swales are used, the width shall be adequate to accommodate the entire design section between tops of slope. Where canals or ditches are permitted, the width shall be adequate to accommodate drainage facilities plus 20 feet on one side for maintenance purposes. Drainage easements shall be provided to accommodate existing drainage of surface waters from off-site contributory areas. When a subdivision is traversed by existing canals, watercourses, streams, drainage ways, or channels, there shall be provided a drainage easement or R-O-W conforming substantially with the lines of such watercourse and of such further width or construction or both as will be adequate for access, maintenance, and floodplain purposes.

#### **H. Certificate of Compliance for Lots**

When the finished lot grading required by Art. 11.E.4.E.1, Lot and Building Site Drainage, and Art. 11.E.4.E.4, Parking Tract and Parking Area Drainage, is to be completed in conjunction with building construction, prior to issuance of the Certificate of Occupancy the developer shall submit to the Building Director a Certificate of Compliance from a State of Florida-registered Professional Surveyor and Mapper, Engineer, or Landscape Architect. Such statement shall be in a form approved by the Building Division and shall state that lot grading was done in accordance with either the approved grading plan for the subdivision or, in the absence of such plan, in accordance with the applicable requirements of Art. 11.E.4.E.1, Lot and Building Site Drainage, and Art. 11.E.4.E.4, Parking Tract and Parking Area Drainage. [Ord. 2010-022]

## **Section 5 Wastewater Systems**

### **A. General Requirement**

Except in rural subdivisions, or where otherwise approved pursuant to Art. 11.E.5.B.2, a sewage collection/transmission system with appropriate service connection to each lot shall be provided for connection to a central sewer system. Such system shall be designed and installed in accordance with the Department of Environmental Protection (DEP) requirements, applicable permits or approvals obtained from the utility responsible for the central sewer system, and the appropriate permits secured from the PBCHD.

### **B. Individual System**

1. In rural subdivisions, a septic tank system is an acceptable method of sewage disposal for each lot, when permitted by the PBCHD as per the standards prescribed in Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP). [Ord. 2022-019]
2. In subdivisions other than rural subdivisions, and in which each lot has an area of at least one acre, a septic tank system is an acceptable method of sewage disposal for each lot, conditioned upon the following:
  - a. The subdivisions maximum build-out is 20 acres.
  - b. The applicable central wastewater system utility service provider approving the use of septic tanks, based upon the utility's determination that provision of central wastewater service to the subdivision would require all of the following:
    - 1) the installation of a wastewater lift station and force main; and

- 2) the installation of more than half a mile of wastewater force main from an existing available public wastewater collection system to the nearest boundary of the subdivision.
- c. The PBCHD permitting the use of septic tanks per the standards prescribed in Art. 15.A, PBC Environmental Control Rule I – Onsite Sewage Programs (OSP). [Ord. 2022-019]

## **Section 6 Potable Water Systems**

### **A. General Requirement**

Except in rural subdivisions, a potable water distribution system with appropriate service connection to each lot shall be provided for connection to a central water system. Such system shall be designed and installed in accordance with the DEP requirements, applicable permits or approvals obtained from the utility responsible for the central water system, and the appropriate permits secured from the PBCHD.

### **B. Individual System**

In rural subdivisions, or where otherwise allowed, an individual well system is an acceptable method of providing potable water for each lot, when permitted by the PBCHD pursuant to the standards prescribed in Art. 15.B, PBC Environmental Control Rule II – Drinking Water Supply Systems.

## **Section 7 Utilities**

### **A. Required Improvement**

All utilities, including power and light, telephone and telegraph, cable television, wiring to street lights, and gas shall be installed underground, unless such requirement is waived by the County Engineer, as provided in this Section. Utilities shall be constructed in easements as prescribed by this Section. The developer shall make arrangements for utilities installation with each entity furnishing utility service involved. [Ord. 2014-025]

### **B. Easements**

Utility easements 12 feet wide shall be provided where necessary for the particular development or for continuity purposes to accommodate all required utilities across lots and shall have convenient access for maintenance. Where possible, utility easements shall be centered on lot lines and should be provided for underground utilities across the portion(s) of the lot abutting a street or parking area. When a utility easement is to abut a street, the width may be reduced as approved by the County Engineer. Additional utility easements may be required by PBC when, in the opinion of the County Engineer, such easements are necessary for continuity of utility service between subdivisions or other development and where necessary for maintenance and service. Utility easements and drainage easements shall not be combined. Where crossings occur, drainage easements shall take precedent. Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by this Article for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations. [Ord. 2013-001]

### **C. Exceptions to Underground Installation**

#### **1. Applicability**

This Section shall apply to all cables, conduits, or wires forming parts of an electrical distribution or communications system, including service lines to individual properties and main distribution feeder electrical lines delivering power to local distribution systems. This Section shall not apply to wires, conduits, or associated and supporting structures whose exclusive function is to transmit or distribute electricity between subdivisions, generating stations, substations and transmission lines of other utility systems, or perimeter lines located adjacent to a subdivision.

#### **2. 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 traffic hazard.

#### **3. Exceptions Requiring Approval of County Engineer**

All other proposals for above-ground installation of utilities shall be submitted to the County Engineer at the time of the preliminary submittal. Such request shall be made in writing and noted on the construction plans. The County Engineer shall, at the time of the preliminary review, consider the request and all pertinent information, including but not limited to the construction plans, existing installations, and other information the County Engineer deems necessary. Any approval or denial pursuant to this Subsection shall be set forth in writing, which may be by separate statement to the

developer and the developer's engineer or may be part of the County Engineer's response to the preliminary review.

**4. Convertibility**

Any new service which, by virtue of an approved waiver granted pursuant to this Section, is allowed to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date.

**D. Installation in Streets**

After the subgrade for a street 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 through the width of the street to the sidewalk area or provisions made so that the street will not be disturbed for utility installation. All underground improvements installed for the purpose of future service connections shall be properly capped and backfilled.

**Section 8 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 600 feet apart and not more than 300 feet to the center of any lot in the subdivision and shall be connected to mains no less than six inches in diameter. The system shall provide capability for fire flow of at least 700 gallons per minute in addition to a maximum day requirement at pressures of not less than 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 hours or the current recommendations of the Insurance Services Office, whichever is greater.

**C. Multifamily 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 500 feet apart and the remotest part of any structure shall not be more than 300 feet from the hydrant and shall be connected to mains no less than six inches in diameter. Fire flow shall be provided at flows not less than 1,200 gallons per minute in addition to a maximum day requirement at pressures of not less than 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 9 Subdivision Design and Survey Requirements**

**A. Maximum Length of Blocks**

Block lengths shall not exceed 1,320 feet between intersecting streets. Provided, however, that greater lengths may be approved by the County Engineer on an individual basis after considering such factors such as but not limited to, lot size, the ADT, number of through streets, street layout, emergency vehicle accommodations, and other engineering considerations, in accordance with acceptable engineering practices. [Ord. 2014-025] [Ord. 2018-018]

**B. Lots**

All lots shall have the area, frontage, width, and depth required by this Code or applicable Zoning approval for the prevailing or approved use zone wherein said lots are located.

**1. Existing Structures**

When a subdivision is proposed upon land with existing structures that are proposed to be retained, lots are to be designed so as not to cause said existing structures to become non-conforming.

**2. Lots Abutting Major Streets**

**a. Residential**

When lots are platted abutting a Major Street or Non-Plan Collector Street, access shall be provided by and limited to Local Streets or Residential Access Streets. No access from individual lots shall be permitted directly to a Major Street. [Ord. 2018-018]

**b. Non-Residential**

When lots are subdivided abutting a Major Street, no access from individual lots shall be permitted directly to a Major Street. This does not apply to lots in the Planned Development zoning district that have multiple uses sharing common access drives to Major Streets. [Ord. 2018-018]

**3. Through Lots with Street Frontage on Two or More Sides**

Multiple-frontage lots or through lots shall be avoided except where essential to provide separation of residential development from Major Streets or to overcome specific disadvantages of topography or orientation. [Ord. 2018-018]

**C. Minimum Safe Sight Distance and Corner Clips at Intersections**

Street lines at the intersection of two streets shall be connected by a diagonal line in accordance with current PBC Standards for corner clips. Corner lots shall be designed to facilitate a safe intersection with respect to 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. A restriction shall be placed on the plat prohibiting structures or landscaping over 30 inches high within any additional safe sight area required to be established over an individual lot in order to accommodate unusual conditions in the design of the lot or alignment of adjacent streets, said height being measured from the street crown elevation at the intersection.

**D. Survey Requirements**

**1. Permanent Reference Monuments (P.R.M.s)**

Where monuments occur within street pavement areas, they shall be installed in a typical water valve cover as prescribed in the current PBC Standards.

**2. Permanent Control Points (P.C.P.s) and Monuments**

Permanent control points and monuments according to F.S. § 177.091(9), shall be installed as follows.

**a. Installation Prior to Plat Recordation**

Where required improvements are constructed prior to recordation, the permanent control points and monuments shall be set prior to submission of the Final Plat and certified by the Surveyor and Mapper in accordance with Art. 11.D.1.B.15.c, Certification of Surveyor and Mapper. [Ord. 2010-022]

**b. Installation after Plat Recordation**

Where required improvements are constructed after recordation, the permanent control points shall be set under the guarantees as required by Art. 11.E.9, Subdivision Design and Survey Requirements. In such case, the Surveyor and Mapper's certificate shall comply with Art. 11.D.1.B.15, Certification and Approvals. The signing Surveyor and Mapper shall provide the County Engineer with a copy of the recorded certification required by Art. 11.D.1.B.7.f, as to his placement of the permanent control points and monuments. [Ord. 2010-022]

## **CHAPTER F VARIANCES**

### **Section 1 Variances**

A Variance from the literal or strict enforcement of the provisions of this Article may be granted in accordance with the provisions set forth in Art. 2, Application Processes and Procedures. [Ord. 2011-001]

#### **Amendment History:**

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2011-016; September 6, 2011] [Ord. 2012-003; February 1, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2014-025; September 3, 2014] [Ord. 2015-006; February 3, 2015] [Ord. 2015-031; September 3, 2015] [Ord. 2017-007; March 2, 2017] [Ord. 2018-018; August 29, 2018] [Ord. 2019-034; August 27, 2019] [Ord. 2020-001; January 28, 2020] [Ord. 2020-007; June 10, 2020] [Ord. 2022-018; July 29, 2022] [Ord. 2022-019; July 29, 2022]