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## Chapter 74 ADMINISTRATION

### ARTICLE I. IN GENERAL

#### Sec. 74-1. Administration.

- (a) *Purpose.* The purpose of this section is to set out the various administrative procedures of this Land Development Code. Other purposes include providing for the establishment of the Development Review Committee, and illustrating the duties/responsibilities of both the Development Review Committee and the City of Deltona Planning and Development Services Department regarding land development review.
- (b) *Development Review Committee.*
- (1) *Established.* There is hereby established a Development Review Committee (DRC).
  - (2) *Membership.* Membership of the DRC shall include the following, or their designated representative:
    - a. Planning and Development Services Director;
    - b. City Engineer or Public Works Director;
    - c. City Fire Marshal or Fire Safety Manager; or
    - d. Other members as may be designated by the City Manager.

Other City, county, local, state or federal agencies may be consulted by the DRC for advice or recommendations on any matter or application being considered by the DRC. The City Manager may add or delete additional members of the DRC as he/she may deem necessary to promote the implementation of this Land Development Code. The City Manager shall appoint a chairman of the DRC from among the members of the DRC to preside at the meetings.

- (3) *Duties and responsibilities.* The duties and responsibilities of the DRC shall include:
  - a. Reviewing all applications under this Land Development Code to:
    1. Delineate areas of noncompliance with city development requirements; and
    2. Define steps necessary to bring applications into compliance with city development requirements.
  - b. Approve applications for Development Orders upon a determination that the development applications meet the City's provisions of the Land Development Code.
  - c. When, in the judgment of the DRC, strict application of the applicable requirements of this Land Development Code will be inequitable, unreasonable, stifle innovative design, or create an undue hardship when applied to a specific project or development, the DRC may modify such requirements to the extent necessary to achieve equity or reasonableness or relieve the undue hardship. However, no such modification shall be contrary to the requirements of law or the general policies of this Land Development Code. Furthermore, any modification applied to one development shall not establish precedent with regard to any other development subject to review.
  - d. Performing additional duties as the City Manager may, from time to time, assign.
- (4) *Meetings.* The DRC shall meet, as required, at a place determined by the DRC. An agenda and report shall be prepared and distributed to each member and to the applicant at least five (5) working days prior to each meeting. All applicants having requests to be reviewed by the DRC

shall be invited to attend and participate in the meeting. The records of the proceedings of the DRC meetings as required by law, shall be kept.

(c) *Planning and Development Services Department.*

- (1) *Duties and responsibilities.* The duties and responsibilities of the Planning and Development Services Department shall include:
  - a. Being a central intake point for applications;
  - b. Reviewing applications for completeness;
  - c. Acting as a liaison between applicants and the DRC;
  - d. Preparing and distributing agendas and reports for meetings of the DRC, P&Z, and the City Commission;
  - e. Taking and preparing the minutes of all DRC meetings;
  - f. Comparing and ensuring final construction plans and final plats with an approved Development Order to ensure consistency;
  - g. Coordinating application review procedures;
  - h. Issuing concurrency certificates of capacity;
  - i. Issuing Development Orders and development permits, as applicable, in compliance with the requirements and procedures of requisite City Ordinances;
  - j. Obtaining validation from the applicant regarding the recordation of final subdivision plats with the Volusia County Clerk of the Circuit Court; and
  - k. Performing other functions, as may be assigned by the Director of Planning and Development Services.

**Sec.74-2. Reserved.**

**Sec. 74-3. Application review requirements.**

An application for a Site Plan or Subdivision Plat Development Order, as defined by Chapter 74 of this Code, shall be reviewed, as appropriate, by the Planning and Development Services Director, the Development Review Committee (DRC), the Planning and Zoning Board, and the City Commission. Development Orders shall only be issued after all required reviews and appropriate final action have been taken by the appropriate decision making bodies. No application for a Development Order shall be approved which does not comply with the following:

- (1) The Comprehensive Plan;
- (2) This Land Development Code; or
- (3) Other applicable regulations.

**Sec. 74-4. Development review procedures.**

All applications and supporting information required by this Land Development Code shall be filed with the Planning and Development Services Department. All required application fees, as set by resolution of the City Commission, shall be paid prior to acceptance of the application. The number of

copies of the supporting information needed for distribution to all concerned reviewing agencies, as determined by the Planning and Development Services Director or his/her designee, shall be submitted with the application prior to acceptance by the City. Except as otherwise provided in this Land Development Code, the following procedures shall govern the review of applicable applications;

- (a) *Completeness of application.* The Planning and Development Services Director or his/her designee shall review the application to determine its completeness. Within seven (7) working days after application receipt, he/she shall either accept the complete application and forward to the applicant a notice of acceptance, or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying the data missing from the application received.
  - (1) If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for purposes of beginning the time limits of this article on the eighth (8<sup>th</sup>) working day after the filing of the application.
  - (2) If a notice of incompleteness is sent, the applicant may resubmit the application with the additional data required by the City. Upon receipt, the Planning and Development Services Director or his/her designee shall review the resubmittal application in the manner provided in this subsection for the original application.
- (b) *Distribution of accepted application.* Following acceptance of an application, the Planning and Development Services Department shall forward a copy of the application to all applicable City review agencies and to any county, regional, state, or federal agency deemed by the Planning and Development Services Director or his/her designee to be a concerned agency for the review process.
- (c) *Review responsibilities.* Each member of the City review agency shall prepare a report that details their comments specifying the exact references to the Code or other regulations being commented on and recommendations regarding the application. Comments shall be forwarded to the Planning and Development Services Director or his/her designee before the meeting of the DRC held in accordance with this Land Development Code. The Planning and Development Services Director or his/her designee may waive one or more agency reviews, in whole or in part, under this section upon his/her determination that such a review has already been made regarding the same land and no change in standards or circumstances has occurred which necessitates further review.
- (d) *Review.* Applications shall be reviewed by the DRC and shall be discussed at a scheduled DRC meeting that is held in accordance with the requirements of this Land Development Code. The Planning and Development Services Director or his/her designee shall distribute the application for review and, where appropriate, recommendation or determination, as in subsection 74-4(b), and may waive the requirement that the application be reviewed at a DRC meeting. If review of the application at the DRC's meeting has been waived, the Planning and Development Services Director or his/her designee shall coordinate appropriate informal review and forward to the applicant a report of the DRC's actions within twenty (20) working days of acceptance of the application or as prescribed in Section 74-4(e).
- (e) *Application revision.* An application may be revised by the applicant after it has been reviewed by the DRC, if the DRC recommends such revisions. If any portion of the review process must be repeated to accommodate the revised application, the applicable time limits prescribed in this Land Development Code shall be extended to the extent necessary to resolve outstanding issues upon mutual consent of the applicant and City; otherwise not to exceed twenty (20) working days from the date that the revision has been received.
- (f) *Development Order review.* As provided in subsection 74-4(e) allowing extended review or, otherwise, within twenty (20) working days from the acceptance of an application or revised application, the DRC shall make one (1) of the following determinations:

- (1) That the application or revised application is in compliance with the requirements of this Land Development Code and other applicable regulation, and shall approve the application; or
  - (2) That the application or revised application is not fully in compliance with the requirements of this Land Development Code and other applicable regulations, stating those conditions which they find are necessary to ensure compliance, and shall approve the application subject to those conditions being met; or
  - (3) That the application or revised application is not in compliance with the requirements of this Land Development Code and other applicable regulations, and shall deny the application, stating the basis for denial, or, may continue consideration of and final action on the application pending submittal of a revised application.
- (g) *Subdivision final plat review and final approval:*
- (1) *DRC consideration.*
    - a. Within twenty (20) working days from the acceptance of the application or revised application for a subdivision Final Plat Development Order the DRC shall consider the application and shall make a recommendation to the Planning and Zoning Board or City Commission, as appropriate; or, if the DRC determines the application is not in compliance with the requirements of this chapter, the DRC may continue consideration of the application pending submittal of a revised application.
    - b. If the application is recommended for approval with conditions by the DRC, the Planning and Development Services Director or his/her designee may request that the applicant submit a revised application incorporating the conditions of approval prior to sending the Final Plat application to the City Commission for final action. Within ten (10) working days after submittal of a revised application which meets the conditions of the DRC the Planning and Development Services Director or his/her designee shall transmit the revised application to the City Commission for final approval noting any conditions of approval by the DRC. The Planning and Development Services Director or his/her designee may request subsequent revised applications prior to transmitting the application to the City Commission, if the application, as revised, does not meet the requirements of the DRC's conditional approval.
    - c. If the application is recommended for approval by the DRC without conditions; or, if the Planning and Development Services Director or his/her designee determines that all of the DRC's conditions have been resolved; or, that any remaining conditions should be resolved by the City Commission, the Planning and Development Services Director or his/her designee shall, within five (5) working days, transmit the application to the City Commission for consideration for final action at the next available City Commission meeting.
    - d. No application recommended for denial by the DRC shall be transmitted to the City Commission for final action. However, the applicant may appeal the DRC's denial, pursuant to subsection 74-5(g).
    - e. If the proposed Final Plat subdivision contains more than 200 lots, the DRC shall transmit the application to the Planning and Zoning Board.
  - (2) *Planning and Zoning Board.*
    - a. At a regularly scheduled public meeting, the Planning and Zoning Board shall review the application and make recommendations to the City Commission on proposed Final Plat subdivisions containing more than 200 lots.
  - (3) *City Commission final action.*

- a. At a regularly scheduled public meeting the City Commission shall review the application and the DRC recommendation for conformity to this Land Development Code and shall act appropriately upon the application.
- b. The appropriate action of the City Commission shall be one of the following determinations:
  1. That the application is in compliance with the requirements of this Land Development Code, then the City Commission shall approve the application;
  2. That the application is not fully in compliance with the requirements of this Land Development Code, stating those conditions that are necessary to ensure compliance with this Land Development Code, then the City Commission shall approve the application subject to those conditions being met;
  3. That the application is not in compliance with requirements of this Land Development Code, then the City Commission shall deny the application and state the basis for such denial;
  4. A final determination by the City Commission under this subsection may be deferred if the City Commission finds that available information is insufficient to base either approval or denial of a particular application. In that event, the City Commission will direct that a specific study commence, or specific information be provided, to give the City Commission sufficient information to form the basis on which to approve or deny the application. The information shall be provided, or the study shall be completed within a time certain, not to exceed six (6) months from the date of the City Commission's determination under this subsection. A prerequisite to directing that a specific study commence to provide the City Commission with information sufficient to form the basis on which to approve or deny a particular application, is that the City Commission shall identify the inadequacy of the information available with respect to the application; or
  5. If the City Commission determines that adequate public facilities required under this chapter are not available, but are planned to become available in the future, they may:
    - (i) Defer action until adequate public facilities are available;
    - (ii) Approve the application subject to the condition that no building permit shall be issued until adequate public facilities are available;
    - (iii) Approve the application subject to the condition that no certificate of occupancy be issued until adequate public facilities are available; or
    - (iv) Approve the application subject to the condition that the developer enter into a public services and facilities agreement pursuant to this chapter to ensure that adequate public facilities are available at the time the impacts of the development occur.
- (h) *Valid period and issuance of Site Plan Development Orders.*
  - (1) The valid period of any Final Site Plan Development Order shall begin on the date of approval by the Development Review Committee (DRC) and shall remain valid for a period of 24 months from the date of issuance.
  - (2) Development Orders shall be issued by the Planning and Development Services Director or his/her designee within ten (10) working days or a mutually agreed upon time between the applicant and City after DRC approval, provided all conditions have been resolved and that the approved concurrency certificate of capacity, if required, can be or has been issued pursuant to Chapter 86.

- (i) *Effect of Development Order.* If construction of site development has commenced pursuant to the issuance of a building permit during the valid period of a Site Plan Development Order construction may be completed in accordance with the approved Development Order, as long as the building permit remains valid.

If construction of the required improvements in a subdivision development has commenced during the valid period of a Preliminary Plat Development Order, the improvements may be completed in accordance with the approved Development Order beyond the valid period of that Development Order only if the subdivision Final Plat has been approved by the City Commission and appropriately recorded with the Volusia County Clerk of the Circuit Court. Construction of the required improvements in a subdivision shall be completed or shall be guaranteed for completion, pursuant to Chapter 96, article III, and prior to recording the Final Plat.

The Final Plat shall remain valid until the subdivision or any part thereof is vacated in accordance with the laws of the City of Deltona and the State of Florida.

During the period of ninety (90) days before and ninety (90) days after the expiration of any Development Order, the developer may request an extension of that valid period from the DRC. Such request shall be submitted to the Planning and Development Services Department. The DRC may approve an extension of that valid period for a period of time not to exceed twelve (12) months and may attach such conditions as they determine appropriate.

**Sec. 74-5. Development orders, development permits, approval authority, installation of improvements, public services and facilities agreements, and appeals.**

- (a) *Purpose.* The purpose of this section is to provide for the applicability, approval and issuance of Development Orders and development permits to ensure that all of the provisions of this chapter are complied with and to provide for an appeal process.
- (b) *Applicability.* No person shall undertake the development of land in the City except pursuant to a valid Development Order and/or development permit issued under this Land Development Code, unless specifically exempted as provided by this Land Development Code. All development shall meet the requirements of this Land Development Code prior to the approval and issuance of any Development Order or development permit, unless specifically exempted from the requirements of this Land Development Code by provisions set forth herein, or one or more requirements are waived in accordance with provisions set forth herein.
- (c) *Approving authority.* The DRC and the City Commission shall, as applicable, approve, approve with conditions, or deny the issuance of a Development Order or development permit. The DRC or the City Commission, as applicable, on their own motion and for cause, may continue consideration of an application to a subsequent meeting.
- (d) *Issuance of Development Order and development permits.* A Development Order, upon issuance, shall authorize the issuance of appropriate development permits. A development permit, upon issuance, shall authorize commencement of construction of the work covered by the scope of the permit. No development or construction shall commence, unless a valid Development Order and/or development permit has been issued, as provided by this Land Development Code and other applicable regulations. All development or construction commenced, pursuant to a valid Development Order and/or development permit, shall be completed in a manner that is consistent with the approved Development Order and development permit.
- (1) *Issuance of Development Order for Site Plan.* The Planning and Development Services Director or his/her designee shall administratively issue a Development Order for Site Plan, either with or

without conditions, or deny the issuance of the Development Order, whichever is consistent with the action of the Development Review Committee (DRC).

- (2) *Issuance of Development Order for subdivision plats.* Development Orders shall be issued for all subdivision Preliminary Plats and Final Plats in accordance with the Land Development Code provisions of Chapter 106. Final Plats shall be approved by the City Commission and recorded in the Volusia County Clerk of the Circuit Court office, as prescribed by Chapter 106.
- (e) *Installation of improvements.* All improvements required to be installed, constructed or provided by the developer as a condition to the approval of a Development Order, shall be installed and completed or guaranteed as specified in this Land Development Code and compliant with all other applicable regulations.
- (f) *Public services and facilities agreements.* In order to further the purposes of this Land Development Code and other applicable regulations regarding the provision of public services and facilities to a proposed development, the City Commission may enter into an agreement with the developer of the proposed development that is consistent with Chapter 86 of this Land Development Code.
  - (1) Ensure the certainty of providing public services and facilities for the proposed project;
  - (2) Ensure the provisions of public services and facilities to other developments in the vicinity of the proposed development;
  - (3) Allocate the costs of providing public services and facilities;
  - (4) Allocate the capacities of the public services and facilities;
  - (5) Determine the responsibilities for construction and maintenance of the public services and facilities.
- (g) *Appeals.* Any person claiming to be aggrieved by a final decision of the Planning and Development Services Director, the DRC, or the Planning and Zoning Board, may file with all applicable fees a written appeal within 15 days after said decision to the Planning and Development Services Director or his/her designee to have the decision reviewed by the City Commission. The appeal shall state fully the specific grounds for the appeal and all of the facts relied upon by the petitioner. The City Commission shall consider only those items specified in the petition.

#### **Sec. 74-6. Zoning and land development fees.**

This section sets forth fees required for review and approval of land development activities pursuant to the Land Development Code. The fee schedule shall include all necessary expenses for the conduct of the municipal government and shall be established by resolution of the City Commission. Upon an application submittal for zoning or land development, the Planning and Development Services Director or his/her designee will determine all designated fees which shall be applicable based on the services required to review each application. All such fees must be submitted in full to the City concurrently with each application. Failure to submit the required fee shall render the application incomplete.

Fees shall be required for any zoning and land development activity as listed under the following designations, including and not limited to: Land development review; extensions; meetings; letters; change of grade; development orders; appeals; incomplete submittals and re-submittals; site plan reviews; development plan reviews; plat reviews; lot elevation variances; certificate of concurrency; easement and right-of-way use or vacation; combination of lots; modification requests; tree removal; model sales center; pre-construction wetland alteration permit; stormwater permit; temporary sign permit; annual sign renewal permit; special event permit; additional inspections and re-inspections; annexations; conditional

uses; zoning variances; rezoning; future land use amendments; planned unit developments; engineering permits; escrow accounts and miscellaneous administrative charges.

Some land development applications may require associated consulting services and fees. In such cases, the City will hire peer professionals with expertise in associated development related disciplines to assist in the review and provide recommendations regarding land development applications. Consultant activities include, but are not limited to, traffic planning, engineering, surveying, design, environmental, etc. Consultant costs will be borne by the applicant. The hiring and payment of a consultant will be conducted consistent with applicable City procurement processes.

**Sec. 74-7. Public Notice.**

(a) "*Public notice*" as used in connection with the phrase "*public hearing*" or "*hearing with due public notice*" refers to applications and appeals in which there is to be a public hearing of the City Commission or of the Planning and Zoning board as provided for in this section:

(1) *Legal Notice (newspaper publication).*

- a. The publication of notice with the following information: day, time, place and purpose, place or places within the City where the change may be inspected by the public, and that interested parties may appear at the meeting and be heard with respect to the proposed change.
- b. Said notice shall be published at least once in a newspaper of general circulation in the area at least ten (10) days prior to the date of such public hearing, unless a longer notice period is required by statute for the type of application to be heard. Notices published in local newspapers shall meet or exceed the minimum requirements of state law as required by F. S. § 166.041, and Chapter 163, F.S., as they may be amended from time to time.

(2) *Individual Notice (certified mailing).*

- a. For applications affecting less than five percent (5%) of the total land area of the City, notices setting forth the time, day, place and purpose of the hearing shall be mailed, by certified U.S. mail, at least ten (10) days prior to the date of the Planning and Zoning Board public hearing by the applicant to the last known address of the owners of the property involved, if the applicant is not the owner of the property involved, as well as, to the owners of property within 300 feet of the property lines of the property involved, all as determined by reference to the latest records published by the Volusia County Property Appraiser absent information as to ownership to the contrary.
- b. The Planning and Development Services Director, or his or her designee, shall provide the notice forms to the owner of the property involved, or his or her duly authorized agent, and shall keep such notice available for public inspection during regular business hours. The applicant shall furnish the Planning and Development Services Director, or his or her designee, a copy of each of the U.S. Postal Services Certified Mail Receipt for each notice required to be sent, showing postmark in compliance with this ordinance, prior to the date of the first hearing on the application.
- c. It is the intent of this provision that only one mailing is required to be sent to an owner of property within 300 feet of the property lines of the property involved; and that notice shall contain the time, day, and place of all public hearing(s).
- d. For amendments initiated by the City, the required notice shall be sent by certified U.S. mail and a record of those to whom the notice was sent shall be maintained with the application file by the Planning and Development Services Department.

(3) *Posted Notice (posted sign).*

- a. For applications affecting less than five (5%) percent of the total land area of the City that the owner or his or her duly authorized agent, or for applications initiated by the City, a member of the Planning and Development Services Department staff, a contractor hired by the City and duly authorized to perform said posting, or the authorized staff of another City department, shall post at least ten (10) days prior to the date of such public hearing, the signs provided by the enforcement official.
  - b. For purposes of posting property that is the subject of a City initiated amendment, the notice shall be posted on public right-of-way in front of the property affected by the proposed amendment, but shall not be placed so as to obstruct the vision of drivers at any intersection, including driveway intersections.
  - c. The City shall not be required to place posted notices on or along any property lines that abut private streets or easements, but shall limit postings to streets maintained by the City, Volusia County, or the Florida Department of Transportation. Postings shall not be required when the public agency responsible for the affected street right-of-way refuses to permit the posting within its right-of-way. However, the responsible City agency shall not prohibit the posting of notice on rights-of-way maintained by the City.
  - d. The sign or signs provided by the enforcement official shall be printed on a brightly-colored, easily recognizable, weather-resistant material of minimum size that is 22 inches in width and 28 inches in height.
  - e. One (1) sign shall be posted for every 200 feet of front lot line. Corner properties will be posted on both front/street side lot lines.
  - f. Each sign shall be placed in a location along the lot line that provides the greatest visibility from the adjacent street or road.
  - g. The posted sign or signs shall remain in place until the completion of the public hearing of the City Commission and shall be removed by the applicant within ten (10) days following the conclusion of the last public hearing. Failure to remove the sign or signs after ten (10) days following the last noticed public hearing shall be a violation of this Code, and shall be enforceable as provided in Chapter 2, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time.
- (b) Except for appeals, as otherwise provided for in this section, the City Commission shall provide for a public notice, as used in connection with the phrase "public hearing" or "hearing with due public notice", for applications involving five (5%) percent or more of the land area of the City in the manner, as provided in F.S. § 166.041, as it may be amended from time to time. For plan amendments and Development Agreements affecting five (5%) percent or more of the total land area of the City, notice shall be provided, as required by Chapter 163, F.S., as it may be amended from time to time.
- (c) When an agenda item for a public hearing that was duly advertised and noticed in accordance with this section is continued to a date certain, no further notice or advertisement shall be required. When a hearing is tabled or postponed without a date certain, the hearing and any subsequent hearing that may have been advertised and noticed shall be re-advertised and re-noticed in accordance with the requirements of this section.

**Sec. 74-8--74-25. Reserved.**

**ARTICLE II. Reserved**

**Secs. 74-26--74-50. Reserved.**

## ARTICLE III. USE PERMIT

### Sec. 74-51. Regulations.

- (a) *Purpose.* The purpose of this article is to regulate the location, installation or adjustment of any facility on or under city rights-of-way, traveled ways or easements or other city-owned property (city property), including canals and drainage easements or ditches by any person.
- (b) *Permit required.* Any person placing, installing or adjusting any facility on city property shall have been issued a use permit prior to the commencement of construction. Facilities include driveways with access to city roads, utility lines and equipment, and traffic control devices. A copy of the City of Deltona Use Permit is attached hereto and incorporated herein by reference as Exhibit "A"\*.

\***Editor's note:** Exhibit "A" follows § 74-59.

- (c) *Jurisdiction.* This article shall apply to and be enforced on all City property.
- (d) *Application procedure.* Notwithstanding any other articles of this chapter, an application for a use permit shall be filed, processed and approved as follows:
  - (1) An application for a use permit shall be filed with the city engineer or designee and the required filing fee paid.
  - (2) Three copies of the required submittals shall be submitted with the application. The submittals shall meet the requirements of this chapter and contain the following information:
    - a. A vicinity map showing the work area location at a scale of one inch equals 2,000 feet;
    - b. The offset from the center line of the right-of-way or road to the proposed facility;
    - c. The road right-of-way and pavement width;
    - d. The distance from the edge of the traveled way to the facility and the location of all other utilities within the work area;
    - e. One or more typical cross-sections as required by the city engineer to adequately reflect the location and construction details of the proposed facility;
    - f. The minimum vertical clearance above or below the road, ground or pavement;
    - g. Any other information required by the city engineer; and
    - h. Ordinance number and date of issue and/or copy of the franchise issued to the applicant for use of the right-of-way.
  - (3) The city engineer shall determine the completeness of the application within three working days of filing. (4) Upon receipt, the city engineer shall review the application. If the application meets all of the requirements of this article, it shall be approved within seven working days of receipt. Incomplete applications shall be returned to the applicant.
  - (5) If the application has been approved, the city engineer shall issue the use permit within two working days. If the application has been denied, the city engineer shall immediately notify the applicant. If denied, the applicant or any aggrieved person may refile in accordance with the provisions of this subsection, as for a new application, the applicant or any aggrieved person may appeal the denial to the DRC, as provided in subsection 74-2(g).
  - (6) A guarantee of completion (bond or letter of credit) of the permitted construction may be required by the city engineer if in his/her opinion the proposed construction would constitute a

significant traffic hazard if not completed as proposed. Such guarantee shall be the same as established in subsection 96-76(a) and shall be returned to the permittee upon satisfactory completion of construction or shall be used to ensure completion of construction by the city where construction is not satisfactorily completed.

(7) The use permit may be revoked by the city engineer for reasons of public safety or public nuisance.

(e) *Prohibited structures.* Any sporting equipment temporarily or permanently placed (e.g. basketball goals) or homemade or other non-conforming traffic control devices are strictly not permitted as a matter of safety. Violators shall be subject to the fine provisions of this article.

(Ord. No. 96-25, § 1(601), 3-4-1996; Ord. No. 03-98, § 1(601.01--6.1.05), 2-2-1998; Ord. No. 18-98, § 1, 8-17-1998)

### **Sec. 74-52. Stipulations.**

(a) *Permissive use.* A use permit is a license for a permissive use only, and the placing of facilities upon city property pursuant to the permit shall not operate to create or to vest any property right in the holder thereof. The issuance of a use permit does not relieve the permittee of the need for obtaining a franchise and any other permits that may be required by the appropriate authorities. The permittee shall be responsible for maintenance, repair and restoration of right-of-way (ROW), which may include but is not limited to drainage swales, sodding, or sidewalks of all such facilities permitted except for those conveyed to the public and accepted for maintenance by the City.

(b) *Assumption of risk.* The rights and privileges herein set out are granted only to the extent of the City's right, title and interest in the land to be entered upon and used by the applicant; and the applicant shall at all times assume all risk of and hold harmless, indemnify and defend the City from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercise by the applicant of the aforesaid rights and privileges.

(c) *Encroachment or interference.* The construction and/or maintenance of a utility or facility shall not interfere or encroach upon the property and rights of a prior occupant.

(d) *Relocation or protection of facilities.* In the event of widening, repair, reconstruction or improvement of city property, including but not limited to installation of pavement, drainage structures or sidewalks, the permittee shall, upon notice by the city engineer, relocate or protect existing facilities to clear such construction at no cost to the City.

(Ord. No. 96-25, § 1(602), 3-4-1996; Ord. No. 03-98, § 1(602.01--602.04), 2-2-1998; Ord. No. 18-98, § 2, 8-17-1998)

### **Sec. 74-53. Supporting regulations.**

(a) *City, county, state and federal regulations and specifications.* When applicable, the provisions of the latest editions of the following references shall apply:

(1) This chapter;

(2) "FDOT Standard Specifications for Road and Bridge Construction";

(3) Regulations for the transportation of natural and other gas by pipelines (Parts 191 and 192, Title 49 of the Code of Federal Regulations);

(4) "USDOT Manual on Uniform Traffic Control Devices";

(5) "FDOT Utility Accommodation Guide";

- (6) "FDOT Minimum Standards for Streets and Highways";
  - (7) The City of Deltona Zoning Ordinance;
  - (8) FDOT Roadway and Traffic Design Standards.
  - (9) Florida Stormwater, Erosion and Sedimentation Control Inspector Manual.
- (b) *Conflict of regulations.* In the event of a conflict between the regulations and specifications referred to in subsection 74-53(a) above, and the other provisions of this article, the most restrictive shall apply.
- (Ord. No. 96-25, § 1(603), 3-4-1996; Ord. No. 03-98, § 1(603.01, 603.02), 2-2-1998; Ord. No. 43-2005, § 3, 1-3-2006)

**Sec. 74-54. Qualifications of permittee.**

- (a) Subject to possession of a franchise or as otherwise approved by the city commission and satisfaction of and compliance with requirements contained herein, a use permit may be issued to the following:
- (1) *Utility companies.* Utility corporations or companies (including county and municipal utilities) that will be servicing the installed facility.
  - (2) *Contractors.* Contractors responsible for the installation of any utility facility or structure subject to these regulations.
  - (3) *Private citizens.* Private citizens, corporations or organizations with a reasonable and legitimate purpose in using the right-of-way, which purpose poses no threat or danger to the public health, safety or welfare.
  - (4) *Underground utility contractors.* Underground utility contractors must hold a current county or State of Florida general contractor's certificate, or a current county or State of Florida plumbing contractor's certificate. The City may require prequalification of the contractor for the type of work to be performed.

(Ord. No. 96-25, § 1(604), 3-4-1996; Ord. No. 03-98, § 1(604.01--604.04), 2-2-1998; Ord. No. 18-98, § 3, 8-17-1998)

**Sec. 74-55. Exceptions.**

- (a) *Service connections without pavement cuts.* Scheduled short side service connections, including but not limited to water and sewer hookups with no pavement cut or road crossings and all scheduled maintenance repair (i.e., pole replacement with no change in location or alignment, splice pits, etc.) in the right-of-way where limits of excavation are not in or within six feet of the edge of the traveled way, will not require a use permit; however, prior notification of the commencement of such work shall be given to the city engineer before starting work.
- (b) *Relocations requested by the city.* On any city construction project where facilities on city property are requested by the City to be relocated, a use permit shall be required. An application shall be submitted by the person responsible for the relocation as required by subsection 74-51(b), but no fee will be charged, providing there is no expansion of the facilities involved.
- (c) *Emergency repair.*
- (1) A disruption in any utility service shall constitute an emergency. Emergency repairs may be performed without obtaining a use permit prior to such repair. Emergency repair work shall be completed in accordance with applicable directives from the City or other authority as expeditiously as possible. During normal City working hours, verbal approval for the emergency

work shall be obtained from the public works department. If emergency work is required at night, on weekends or holidays, the public works department shall be notified of all emergency repair work by 10:00 a.m., the first workday following beginning of such repair work. An application for a use permit shall be submitted within two working days following commencement of emergency repair work. The person, company or utility performing the emergency repair work shall be exempt from the requirements of section 74-56 for prior notification to other agencies, with exception of gas utility companies, but shall notify those agencies by 10:00 a.m., the day following the commencement of the emergency repair work.

- (2) Notification to gas utility companies. Notification to gas utility companies shall be accomplished prior to commencement of any emergency work. This may be accomplished by telephone or other expeditious method.
- (d) *Performance criteria.* For those situations described in subsections (a), (b) and (c), all work must be performed in compliance with the other provisions of this article and all other applicable laws and regulations.
- (e) *City commission approved construction projects.* City construction projects on city property which have been approved by the city commission shall comply with the permitting provisions of this article, but not otherwise require a R-O-W use permit.

(Ord. No. 96-25, § 1(605), 3-4-1996; Ord. No. 03-98, § 1(605.01--605.05), 2-2-1998)

#### **Sec. 74-56. Notification to other agencies.**

- (a) *Notification required by city engineer.* Notification to gas utility companies shall be accomplished prior to commencement of the permitted work. If required by the city engineer, the applicant shall notify in writing all other users of city property in the immediate vicinity of the permitted work, in order to determine if there are any objections to it. Any objections to the permitted work by affected right-of-way users must be forwarded in writing to the applicant and to the city engineer within seven days of the said letter. Except as herein provided, the city engineer may hold a permit application for a period not to exceed seven days, to allow time for the receipt of objections to the permitted work. The seven days period may be waived if the applicant includes proof that other affected right-of-way users have been notified and that said users have no objections to the issuance of the use permit.
- (b) *Verification of notification.* The applicant shall verify the notification to other users by submitting the proof called for in subsection (a) and completing the section provided in the application for such verification. It is the full and complete responsibility of the applicant to determine that all other users are notified of the proposed work. Any work performed without such notification, shall be at the sole risk of the applicant.
- (c) *Gas notification number.* Pursuant to the provisions of F.S. § 553.851, as amended, all applicants will indicate on the permit application, if required, the gas notification number immediately following the gas company's name. No permit for excavation of the right-of-way will be issued until the applicant has certified his compliance with F.S. § 553.851(2)(a) and (c), as amended.

(Ord. No. 03-98, § 1(606.01--606.03), 2-2-1998)

#### **Sec. 74-57. Responsibility for compliance.**

- (a) The applicant assumes full and total responsibility for compliance with this article, supporting regulations, additional requirements of the city commission, any municipal, city, state or federal laws, ordinances or other directives which may apply to the proposed work.

(Ord. No. 96-25, § 1(607), 3-4-1996; Ord. No. 03-98, § 1(607), 2-2-1998)

**Sec. 74-58. Utility location standards.**

- (a) *Protection of right-of-way.* The primary concern in the design and location of utility installations is protection of the right-of-way and the safety of the road user, and in all cases full consideration shall be given to sound engineering principles and economic factors.
- (b) *Underground facilities.* Where possible, all longitudinal underground utility facilities shall be placed outside of four feet of the traveled way.
- (c) *Location to consider future road widening and other facilities.* Proposed location of poles, fire hydrants, water meters, etc., should take into consideration future road widening, sidewalk, storm drainage or other construction. Minimum guidelines for roadside recovery area shall be as shown in the latest edition of the "FDOT Minimum Standards for Streets and Highways." (Green Book). Deviations require approval by the city engineer.
- (d) *Water meter boxes.* Water meter boxes shall not be placed within the limits of a proposed or existing sidewalk.
- (e) *Fire hydrants.* Fire hydrants shall be located no closer to the road travel way than that required for recovery areas by the Green Book. If no sidewalks exist, the hydrant should be located approximately one foot inside the right-of-way line. Where sidewalks are required, the desired location of the fire hydrant shall be between the sidewalk and the street with said location dependent on street design speeds and rights-of-way. Deviations shall require approval by the city engineer.
- (f) *Prohibited structures, signs, signals.* Pursuant to F.S. § 316.077, no person shall place, maintain or display upon any city property any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. No person shall place or maintain upon any city property any sign or signal bearing thereon any commercial advertising.

Every such prohibited sign, signal or marking is declared to be a public nuisance and a violation of this chapter, and the enforcement official is empowered to remove the sign or cause it to be removed without notice.

- (g) *Mail boxes and newspaper delivery boxes.* The locations and construction of mail boxes, newspaper delivery boxes and similar structures shall be in accordance with the latest edition of "A Guide for Erecting Mail Boxes on Highways" by the AASHTO. Any such existing structure not in conformance with this section may be required to be made to conform with this section if the city engineer determines such existing structure to be a traffic hazard.
  - (h) *Headwalls and drainage inlets.* Headwalls and drainage inlets shall not constitute a hazard to traffic and shall be designed in accordance with "FDOT Standard Specifications for Road and Bridge Construction" and "FDOT Roadway and Traffic Design Standards."
- (Ord. No. 96-25, § 1(608), 3-4-1996; Ord. No. 03-98, § 1(608.01--608.08), 2-2-1998; Ord. No. 01-2009, § 1, 4-20-2009; Ord. No. 22-2009, § 1, 2-15-2009)

**Sec. 74-59. Permits and inspections.**

- (a) *Copy to applicant.* Upon approval of the application, one copy of the approved plans and the use permit will be returned to the applicant.
- (b) *Permit available on site.* The use permit must be available at all times at the work site while work is being performed. Any work in progress on, or use of, city property without a valid use permit available at the site shall be suspended until such time as a valid use permit is produced on the site.

- (c) *Permit valid for one year.* The use permit for construction is valid for a period not to exceed one year from date of issuance. The expiration date will appear on the permit. No work will be performed under an expired permit. Prior to expiration, a request for an extension may be submitted to Building and Enforcement Services Department and Engineering Department. Extension requests shall be submitted a minimum of 30 days prior to the expiration date of the permit. Only one 90-day extension may be granted.
- (d) *Modification of permits.* Letter requests for modification of permits will be processed in accordance with provisions of sections 74-56 through 74-60 hereof. The letter requesting modification must contain the appropriate gas company's name, the gas notification identification number, and to expedite processing, a statement that the other right-of-way users have no objection to the requested modification.
- (e) *Inspection and approval of materials and work.* The city engineer or designee shall have the right to inspect and approve materials and/or phases of permitted work at any time. Final inspection and acceptance of the permitted work by the city engineer must be obtained prior to completion of the work. Work will be considered incomplete until that portion of the permit indicating final inspection and approval has been signed and dated by the inspector.
- (f) *Notice to city for subterranean road crossing.* The permittee shall notify the city engineer at least 48 hours prior to beginning work, and prior to commencing any subterranean road crossing, whether by open cutting, boring, jacking, pushing, pulling, driving, or some combination of these. The date, time and location regarding these scheduled subterranean crossings must be given at the time of this notification.
- (g) *Underground facilities.* Underground facilities (buried cable, water lines, etc.) will not be covered until approved by the city inspector, either through on-site inspection or prior authorization.
- (h) *Failure to obtain inspections.* Failure of the permittee to obtain the appropriate inspections prior to proceeding with work shall not relieve the permittee from re-excavation or other measures necessary for the inspection of the work.
- (i) *Correction of noncompliance.* Any and/or all items found not to be in compliance with these regulations will be immediately corrected by the permittee.
- (j) *Permit termination.* The inspector's signature on the completion line on the permit terminates that permit, and no further work may be done under the permit except repairs as directed by the city engineer.



- Chapter 77-153, Laws of Florida, Protection of Gas Pipelines;
- City of Deltona, Land Development Code;
- Regulations for the Transportation of Natural and Other Gas by Pipelines (Parts 1-1 & 192, Title 49 of the Code of Federal Regulations); and
- Any additional requirements of the City Codes and Ordinances.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City’s right, title and interest in the land to be entered upon and used by the permittee; and the permittee will at all times, assume all risk of and indemnify, defend and save/hold harmless the City of Deltona from and against all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercise by said permittee of the aforesaid rights and privileges.

Permittee declares that prior to filing this permit, he has ascertained the location of ALL existing utilities, both aerial and underground.

It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or to vest any property right in said holder. The construction and/or maintenance of a utility shall not interfere with the property and rights of a prior occupant.

In the event of widening, repair or reconstruction of such road or highway, upon reasonable notice, the permittee shall move its facilities to clear such construction at no cost to the City of Deltona, insofar as such facilities are within the public right-of-way.

**THIS PERMIT IS TO CERTIFY THAT THE PERMITTEE HAS PERMISSION TO:**

- \_\_\_ Install driveway and apron: \_\_\_with culvert \_\_\_ without culvert
- \_\_\_ Install pipe, cable, duct or other underground utility along ROW
- \_\_\_ Install poles or other overhead utility along ROW
- \_\_\_ Install retaining wall or other encroachment
- \_\_\_ Other-Description: \_\_\_\_\_

**SPECIAL CONDITIONS**

- \_\_\_ 1. Apron must be 2.5 feet wider on each side of the driveway at the street where it meets the pavement edge.
- \_\_\_ 2. Positive drainage in the ROW swale shall not be compromised.
- \_\_\_ 3. Culvert under driveway shall be a minimum diameter of 15” with mitered ends and meet FDOT standards.
- \_\_\_ 4. **NO** reinforcement in the ROW apron is allowed.
- \_\_\_ 5. Concrete shall be a minimum of 6” in depth and 2,500 PSI compressive strength.
- \_\_\_ 6. Guard rail or fence shall be installed.
- \_\_\_ 7. Driveway surface or culvert invert shall match the existing swale grade and constructed to not impede flow.
- \_\_\_ 8. **Please call 386-575-6900, 24 hours prior to pouring concrete for inspection/approval prior to pour.**

**PENALTIES:**

***Any work that commences without the required permits available on the job site shall be immediately suspended until such time as the required permits have been acquired. A penalty fee for work commenced without a valid permit issued shall be charged in addition to the normal permit fee. The penalty fee shall be equal to the permit fee. \*Emergency work is excluded from penalty fees.***

***Work performed without City inspections and approval is done so at permittee’s and property owner’s risk and may be subject to removal and replacement.***

**The undersigned permittee has read and acknowledges his/her understanding of this permit, instructions, and conditions. Accepted and acknowledged by:**

\_\_\_\_\_  
**Permittee/Applicant** \_\_\_\_\_  
**Date**

Revised 5/1/08

**Sec. 74-60. Crossings.**

- (a) *General considerations.* The normal crossing under paved surfaces will be made without cutting the pavement. Pavement cuts will be allowed on roads with a surface that has been in place for ten years or longer, and has a traffic count of 3,000 vehicles or less per lane per day. Requests for open street cuts on roads which do not meet these criteria will not be considered.
- (1) All subterranean crossings of a traveled way, 40 feet or more in length, shall require a tracked type bore and jack, with encased augur. Crossings less than 40 feet may be made by boring, jacking, pushing, pulling, driving or some combination of these.
  - (2) Closed end jacking may be permitted for pipe with a maximum outside diameter of three inches. The pipe shall extend six feet from the edge of pavement.
  - (3) All other pipe must be jacked with the end open or bore and jacked and extend a minimum of six feet beyond the edge of pavement or as directed by the city engineer.
  - (4) If mechanical boring is used, the tip of the drill head shall not precede the end of the pipe by more than two inches.
  - (5) The minimum depth of cover shall be 36 inches from the top of the pipe to the existing and proposed surface.
  - (6) All such crossings shall be a continuous operation and be completed and the pits backfilled prior to ceasing the operation.
  - (7) Any deviation from approved materials, location or operation shall be grounds for stopping work, directing the plugging of the line with concrete, and restoring the area.
- (b) *Open street cuts.*

- (1) Traffic maintenance. As a general rule, a minimum of one lane of traffic must be maintained at all times and adequate safety precautions taken. Any street closures will require a traffic plan submitted at least seven days in advance of the proposed closure and approved by the county traffic engineer. If a detour is contemplated, the complete detour route must be indicated. Inclusive dates of the proposed closure must be firm.

Prior to closing the street to traffic, the appropriate police and emergency (rescue, fire, etc.) agencies shall be notified. In addition, the county traffic engineer and Volusia County School Board Transportation Director shall be notified. Traffic-control devices in accordance with the "USDOT Manual on Uniform Traffic Control Devices" shall be installed, and approved by the city engineer or designee prior to starting work.

- (2) Unpaved streets. The top 12 inches of the excavation shall be stabilized with suitable materials to a condition equal to or better than existing surface. Compaction density of this layer shall equal 98 percent of maximum density as determined by AASHTO Specification T-180.
- (3) Paved streets.
  - a. Pavement or roadway surfaces cut or damaged shall be replaced by the permittee in equal or better condition than the original, including stabilization, base course, curb and gutter, or other appurtenances.
  - b. Where existing pavement is to be removed, the surfacing shall be mechanical saw cut prior to trench excavation, leaving a uniform and straight edge, with minimum disturbance to the remaining adjacent surfacing. The width of cut for this phase of existing pavement removal shall be minimal.
  - c. The base shall be replaced in accordance with city requirements.

- d. Immediately following the specified backfilling and compaction, the final roadway surface restoration shall be commenced as approved on the permit. Type S-3 or other asphalt, concrete or other material approved by the city engineer shall be used. In advance of final restoration, the existing asphalt surface shall be mechanically sawed straight and clean to the stipulated dimensions.

(Ord. No. 96-25, § 1(610), 3-4-1996; Ord. No. 03-98, § 1(610.01, 610.02), 2-2-1998)

**Sec. 74-61. Construction standards.**

- (a) *Street, curb, sidewalk, driveway.* All street, curb, sidewalk, driveway curb, etc., construction shall be in accordance with this chapter.
- (b) *Approved pipe.* Drainage pipe used in city right-of-way shall conform to FDOT Standard Specifications for Road and Bridge Construction. Pipes underneath traveled ways shall be reinforced concrete per FDOT standards, or equivalent alternative approved by the city engineer.
- (c) *Sanitary sewer and water installation.* All work shall be in accordance with this chapter and current ANSI/AWWA and ASTM standards and specifications.
- (d) *Gas.* The provisions of the National Standard Code for pressure piping as adopted by the Florida Public Service Commission shall apply.
- (e) *Overhead installations.* All overhead installation shall comply with the current standards established by the State of Florida Department of Transportation.
- (f) *Buried cable.*
  - (1) Vertical clearance. Minimum vertical clearance for direct buried cable, conduit casings and duct systems is 36 inches below top of pavement and 30 inches below existing ground.
  - (2) Casings.
    - a. Casings will be required for crossing of underground utilities where the carried conduit is of insufficient strength due to composition or depth of cover.
    - b. Casings will be required for crossing under existing pavement where the carrier is of such composition that it cannot be installed in accordance with subsection 74-60(a). Any request for exception to the foregoing requirements must be fully justified in writing by the applicant.
- (g) *Storm drainage structures.* Installation shall be in accordance with this chapter. Backfill and testing requirements shall be in accordance with subsection (h), below.
- (h) *Backfill and compaction.*
  - (1) All trenches shall be backfilled with suitable material approved by the city engineer.
  - (2) Backfill shall be deposited in a minimum of two lifts. The first lift shall extend from the invert of the facility to one foot above the facility. The second lift shall extend from the top of the first lift to the top of surface or bottom of sub-base as applicable.
    - a. The first lift shall be installed in six-inch layers and thoroughly compacted prior to placement of the second lift. Compaction shall equal 98 percent of maximum density AASHTO Specification T-180.
    - b. The remainder of the excavation shall be backfilled and compacted in layers compatible with the type of material and compaction equipment used. The density requirements as determined by American Association of State Highway and Transportation Officials (AASHTO), Specification T-180 shall equal 98 percent under the traveled way, and

extending ten feet beyond the back of curb or curbed roadways, and on roadways with open drainage systems, extending ten feet beyond the edge of the traveled way.

- c. Sub-grade and base density requirements are 95 percent of AASHTO Specification T-180 or T-134, as applicable.
- (i) *Traffic signals.* Any permittee working at intersections where traffic signals are located shall contact the Volusia County Traffic Engineer, if such intersection is within the area of responsibility of Volusia County, for location of all underground signal wiring. Damages to signals or signal wiring will be the responsibility of the permittee. Repairs may be made by contract personnel, but must be made with the concurrence and under the requirements as set forth by the county traffic engineer. In some instances, repairs may be made by the city, with total costs paid by the permittee.
- (j) *Traffic signs.* When traffic signs are located within the area of approved installation or construction, the permittee is required to notify the city engineer, to arrange for removal or relocation. Costs incurred by the city for removal and resetting or relocation of signs shall be paid by the permittee. Curve line markings shall be of a type and standard approved by the city engineer based on safety and aesthetic concerns as set forth in city public works policy guidelines, as may from time to time be amended. Nonconforming or homemade devices shall be removed from within the rights-of-way without consent of the adjacent property owners at the discretion of the city engineer or designee.
- (k) *Pavement markings.*
  - (1) Permittees that disturb or destroy current pavement markings shall be required to replace said pavement markings with approved reflectorized paint or plastic marking material and to restore such markings to their original condition, or better.
  - (2) When new turn, bypass, deceleration and/or acceleration lanes are constructed, a striping plan shall be submitted for approval by the city engineer. Striping shall be accomplished by the permittee in accordance with the approved plan.
- (l) *Jetting or tunneling prohibited.* Jetting, except for hydraulic compaction, or tunneling within city rights-of-way is prohibited.
- (m) *Driveway connection to city road.*
  - (1) A driveway connection on city property between an approved private driveway and a city maintained road shall be constructed to the requirements of this article, article IV, and specifications determined by the city engineer.
  - (2) A use permit shall be obtained prior to the commencement of construction of the connection, and a final inspection shall be approved pursuant to this article prior to the final approval of any development served by the connection.
  - (3) All one- and two-family residential home sites, agricultural and other undeveloped lands shall be served by driveways which meet the following standards:
    - a. Number of driveway entrances. Although a single driveway will typically serve each property, the following may be permitted:
      1. One driveway may be permitted to serve an agricultural or vacant or undeveloped property. Such a driveway shall not effect location and configuration for future development uses (e.g. special exceptions, subdivisions, site plans, etc.)
      2. Two driveways for a one- and two-family existing residential lot may be permitted if all the requirements of this section are met and if the minimum distance between the two driveways equals or exceeds 30 feet.

3. Three driveways entering a one- and two-family existing residential lot may be permitted if all of the requirements of this section are met and if the minimum distance between adjacent driveways equals or exceeds 100 feet.
  4. No more than three driveways will be permitted for a one- and two-family existing residential lot.
- b. *Driveway location limitations.*
1. No driveway shall be constructed in the radius return of an intersection.
  2. No driveway shall be constructed with a corner clearance of less than 50 feet measured along the edge of the traveled way between the return radius and the nearest point of the driveway on or adjacent to thoroughfares. This distance may be reduced to 25 feet on local streets.
  3. No driveway entrance shall include any public facility such as traffic signal standards, drainage inlets, crosswalks, loading zones, utility poles, fire alarm support, meter boxes, sewer cleanouts or other similar type structures.
  4. No driveway shall be located closer than five feet from an adjacent property line.
  5. No driveway shall be located less than five feet from objects such as utility poles, fire hydrants, streetlights, etc.
  6. Existing driveway approaches shall not be relocated, altered, or reconstructed without prior approval. When the use of any driveway approach is changed making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit to abandon the driveway approach and shall at their expense replace all necessary curbs, gutters and sidewalks.
- c. *Design requirements.*
1. *Drainage elements.*
    - i. All driveways shall be constructed so as to not impede roadside drainage. For typical mild roadside swales, the driveway must conform to the swale shape and provide for continued positive drainage.
    - ii. For swales and ditches that cannot be conformed to, as referenced above, due to the depth, width, etc., a pipe is required under the driveway. The minimum pipe size is 15 inches in diameter; larger pipes may be required based upon field conditions.
    - iii. FDOT standard mitered end sections are required for all pipes installed in city rights-of-way.
- (4) *Driveway width.*
- a. Residential minimum width is ten feet and the maximum width is 24 feet (widths to be measured at the street right-of-way line).
  - b. Additional stabilized widening is required on each side of the driveway when crossing ditch sections.
  - c. The width of a curb opening shall not exceed the driveway width by more than five feet on each side.
  - d. Driveway width shall flare an additional minimum five feet starting at a point a minimum eight feet from the edge of a traveled way.

- e. A 25-foot paved radius or equivalent chord return are required on thoroughfares with posted speeds of 45 m.p.h. or more on 3,000 ADT.
- (5) Driveway materials.
- a. Asphalt pavement structural section for residential driveway shall conform to the local street pavement requirements.
  - b. Concrete residential driveways shall be a minimum thickness of six inches without reinforcement.
  - c. Driveways are required to be paved within the public right-of-way along all existing paved roadways.
  - d. Unpaved driveways shall be a minimum of six inches of stabilized material.
- (n) *Restoration of sidewalks, curbs, driveways, etc.*
- (1) Repair of these items requires that a saw cut be made at a joint if within five feet of either side of work location and all concrete within the area be removed and replaced to a condition equal to or better than existing at the commencement of construction, with like material.
  - (2) Asphaltic concrete shall be repaired or replaced by saw cutting the asphalt and base for the entire width and replacing the base and asphalt in accordance with the open street cut requirements. In the event of longitudinal driveway cuts, it shall be replaced with a minimum width of 36 inches or as directed by the city engineer.

(Ord. No. 96-25, § 1(611), 3-4-1996; Ord. No. 03-98, § 1(611.01--611.14), 2-2-1998)

**Sec. 74-62. Density testing--Open trench restoration.**

- (a) *Certified testing laboratory.* Density tests for determination of the specified backfill, base, etc., compaction shall be made by a certified testing laboratory approved by the city engineer and at the expense of the permittee. Test locations shall be at random locations and shall be spaced not more than 300 feet apart where the trench cut is continuous, unless otherwise approved by the city engineer. Tests shall be required for the first lift, second lift and the base. A copy of the laboratory report shall be submitted to the city engineer.
- (b) *Spacing of tests.* For each test section, a minimum of one test is required for the first lift (up to one foot above the utility). Testing for the second lift backfill under the traveled way shall be a minimum of one test at two-foot vertical intervals for each crossing.
  - (1) Tests for second lift backfill in other areas will be at the discretion of the city engineer.
  - (2) A minimum of one density test for the base course for each 300 continuous feet of each road crossing shall be required.
- (c) *Concrete compression.* Concrete compressive strength tests may be required at the option of the city engineer.
- (d) *Unsatisfactory test results.* If any test results are unsatisfactory, the permittee shall reexcavate and recompact the backfill at his/her expense until the desired compaction is obtained. Additional compaction tests shall be made to each side of an unsatisfactory test, as directed by the city engineer, to determine the extent of reexcavation and recompaction necessary.

(Ord. No. 96-25, § 1(612), 3-4-1996; Ord. No. 03-98, § 1(612.01--612.04), 2-2-1998)

**Sec. 74-63. Working hours.**

Operations permitted by this regulation shall normally be conducted 7:00 a.m. to 7:00 p.m., Monday through Friday. Any deviation from these hours requires prior approval from the city engineer. Emergency repairs are excluded from this time restriction.

(Ord. No. 96-25, § 1(613), 3-4-1996; Ord. No. 03-98, § 1(613), 2-2-1998)

**Sec. 74-64. Maintenance of traffic.**

Unless otherwise provided, all roads within the limits of the permit shall be kept open to all traffic by the permittee. When approved by the city or county traffic engineer or an appropriate designee, traffic may be bypassed over an approved detour route. The permittee shall keep the portion of the project being used by the public traffic, whether it be through or local traffic, in such condition that traffic will be adequately accommodated. The permittee shall furnish, erect and maintain barricades, warning signs, delineators, flagmen or pilot cars in accordance with the "USDOT Manual on Uniform Traffic Control Devices." The permittee shall also provide and maintain in a safe condition, temporary approaches or crossings and intersections with trails, roads, streets, businesses, parking lots, residences, garages and farms. The permittee shall bear all expense of maintaining the traffic over the section of road undergoing construction and of constructing and maintaining such approaches, crossings, intersections and other features as may be necessary. Materials stored at the site of the work shall be so placed as to cause no obstruction to vehicular or pedestrian traffic. No roadway shall be closed or opened except by express permission of the city engineer or such other authorized public agency having jurisdiction.

(Ord. No. 96-25, § 1(614), 3-4-1996; Ord. No. 03-98, § 1(614), 2-2-1998)

**Sec. 74-65. Restoration and cleanup.**

- (a) *Protection of monuments, section corners.* The permittee shall ensure that all monuments, section corners and property markers shall be protected and perpetuated during construction.
- (b) *Liability for damage.* The permittee shall be liable for all damage, injury or loss to persons or property of any character arising from or resulting from any act of commission, omission, neglect or misconduct in the performance of work by the permittee, his employees or agents. The permittee shall be further liable for all damage, injury or loss to persons or property arising from or as a result of defective work or materials.
- (c) *Area outside roadway.* Where any work disturbs the area outside the roadway, the permittee shall ensure that the area is completely restored in a manner acceptable to the city. Sod that is removed shall be replaced with the same type. Unsodded areas shall be graded and then seeded and mulched in accordance with this chapter. The permittee is responsible for establishing a dense stand of permanent type grass within a reasonable time. Trees and shrubbery that are removed or destroyed shall not be replaced. Grassing and mulching operations are to begin immediately after construction/installation has been completed.
- (d) *Existing utilities.* Existing utilities that are damaged, destroyed or temporarily removed by the permittee shall be replaced or repaired at the expense of the permittee by the permittee to the satisfaction of the city or owner with no expense to the city or owner.
- (e) *Debris and waste removal.* The permittee shall ensure that work site cleanup and property restoration follows construction/installation operations without delay. In order to maintain an acceptable site, debris and waste material shall be removed from the site immediately and daily trenching shall be coordinated to provide a minimum overnight trench opening. Site maintenance, along with ongoing cleanup and final property restoration, shall be subject to the direction and approval of the city engineer.

(Ord. No. 96-25, § 1(616), 3-4-1996; Ord. No. 03-98, § 1(615.01--615.05), 2-2-1998)

**Sec. 74-66. Safety.**

- (a) The safety provisions of applicable laws, ordinances, building codes and construction codes shall be observed.
- (b) The permittee will take all reasonable precautions for and be responsible for initiating, maintaining and supervising all programs relating to the safety of all persons and property affected by or involved in the performance of work under a use permit. The permittee will take all reasonable precautions to prevent damage, injury or loss to:
  - (1) All persons who may be affected by the performance of the work, including employees;
  - (2) All materials and equipment at the work site location; and
  - (3) All property at or surrounding the work site.
- (c) In any emergency affecting the safety of persons or property, the permittee will act with reasonable care and discretion to prevent any threatened damage, injury or loss.

(Ord. No. 96-25, § 1(616), 3-4-1996; Ord. No. 03-98, § 1(616), 2-2-1998)

**Sec. 74-67. Warranty.**

- (a) *One year from date of completion.* The permittee shall guarantee, in accordance with subsection 96-77(d)(3), all work performed under the terms of the permit for a period of one year from the date of completion as certified on the permit by the city engineer or designee.
- (b) *Repair of failures within five days.* Any failure shall be repaired by the permittee, at the direction of the city engineer, within five working days, unless the urgency of the problem requires a quicker reaction time.

(Ord. No. 96-25, § 1(617), 3-4-1996; Ord. No. 03-98, § 1(617.01, 617.02), 2-2-1998)

**Sec. 74-68. Reserved.**