

## **ORDINANCE NO. 510**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 54, SUBDIVISIONS, PLATTING AND REQUIRED IMPROVEMENTS, BY CLARIFYING THAT NO PERMIT SHALL BE ISSUED FOR AN ILLEGAL LOT OF RECORD; CHANGING THE REFERENCE FROM MAYOR TO TOWN ADMIINISTRATOR THROUGHOUT CHAPTER 54; AMENDING SECTION 54-6 TO ALLOW A COMMON DRIVEWAY TO BE UTILIZED FOR NO MORE THAN TWO RESIDENTIAL ABUTTING PROPERTIES NEXT TO A NON-RESIDENTIAL USE UNDER CERTAIN CONDITIONS; INCORPORATING BY REFERENCE THE DEFINITIONS FROM THE TOWN ZONING CODE, CHAPTER 58; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CORRECTION OF SCRIVENERS' ERRORS; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.**

**WHEREAS**, the Town of Haverhill, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Council of the Town of Haverhill, as the governing body of the Town of Haverhill, pursuant to the authority vested in Chapter 166, Florida Statutes, and the Charter of the Town of Haverhill, is authorized and empowered to consider such matters relating to the subdivision of lots within the Town; and

**WHEREAS**, Chapter 54, Subdivisions, Platting and Required Improvements, currently allows for private roads and driveways to serve as legal access to lots of record within a new subdivision, and requires that lots in the R-1 zoning district meet the minimum requirement of 100 feet of frontage; and

**WHEREAS**, the Town Council deems it necessary for the purpose of promoting the public health, safety and welfare of the Town to eliminate the option of private roads and driveways as serving as legal access and require that legal access within a new subdivision occur from a dedicated street, and reducing the requirement from 100 feet to 90 feet of frontage with Council approval for lots in the R-1 Single-Family Zoning District; and

**WHEREAS**, the Town Council also deems it necessary to be authorized to allow for a twenty-four foot right-of-way for platted and unplatted subdivisions in the PBI Airport Overlay; and

**WHEREAS**, all requirements of the applicable state statutes and Town Charter with regards to the preparation and adoption of this amendment have been met, and the notice and hearing requirements of the Town Code and Florida law have been satisfied; and

**WHEREAS**, the Town Council has considered the evidence and testimony presented by the Town Staff, and other interested parties, and this amendment is consistent with the requirements of the Comprehensive Plan, as amended, and with the Zoning Code; and this amendment promotes the public health, safety and welfare of the residents of the Town and is in the best interest of the Town:

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The “WHEREAS” clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

**Section 2. Amendment to Chapter 54, Subdivisions, Platting and Required Improvements:** That the Code of Ordinances of the Town of Haverhill, Florida, is hereby amended by amending Chapter 54 as follows:

**See Exhibit A attached hereto and made a part hereof**

**Section 3. Codification.** The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida*; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. For purposes of codification of any existing section of the Haverhill Town Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5. Repeal of laws in conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Modification.** Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word. In addition, typographical and/or scriveners' errors, which do not affect the intent of this Ordinance, may be corrected by the Town Administrator, or his or her designee, without the necessity of public hearing or Town Council approval, by filing the corrected or re-codified copy of the same with the Town Clerk.

**Section 7. Effective Date.** This Ordinance shall take effect immediately upon adoption.

**PASSED AND APPROVED ON FIRST READING** this 10<sup>TH</sup> day of March, 2022.

**THE SECOND AND FINAL READING** was held this 14<sup>th</sup> day of April, 2022. Council member Withington offered the foregoing Ordinance and moved its adoption. The Motion was seconded by Council member Johnson, and upon being put to a vote, the vote was as follows:

**JAY G. FOY, Mayor**

**LAWRENCE GORDON, Vice Mayor**

**DENNIS WITHINGTON, Council Member**

**RAYMOND CARANCI, Council Member**

**DR. TERESA JOHNSON, Council Member**

Aye  
Aye  
Aye  
Aye  
Aye

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

**Attest:**

**TOWN OF HAVERHILL, FLORIDA**

  
Janice C. Rutan, Town Admin.

  
Jay G. Foy, Mayor

## **EXHIBIT A**

### **Ordinance No. 510**

#### **Chapter 54 - SUBDIVISIONS, PLATTING AND REQUIRED IMPROVEMENTS**

##### **Sec. 54-1. - Conference with mayor and administrator.**

Each subdivider of land shall confer with the town administrator before preparing and submitting a preliminary subdivision plan, in order to become thoroughly familiar with the subdivision requirements and with the ordinances of the town plan affecting the area in which the proposed subdivision lies.

##### **Sec. 54-2. - General procedures.**

- (a) Twelve copies of the plat, which shall be a scale drawing shall be submitted to the town, or such other number and in such other format as may be requested by the town administrator.
- (b) A current survey meeting the minimum requirements of F.S. ch. 472 of the entire property to be subdivided, showing the existing buildings, structures and other improvements on the land shall be submitted to the town.
- (c) Upon approval of a plat, the applicant shall submit a plat signed by all parties required for such plat to the town administrator for signature within ten days of town council approval. Once signed by the town, such plat shall be recorded by the town in the public records of Palm Beach County and shall be forwarded to the Palm Beach County Property Appraiser. The cost of recording, making copies and forwarding shall be borne by the applicant.
- (d) At the time of filing an application for a subdivision plat, the applicant shall pay a fee for each subdivision plat requested to cover any charge and expense of the town therefor, which fee shall be set by the town council by resolution for each subdivision application.
- (e) Notwithstanding anything contained herein to the contrary, an application for subdivision will not be considered or processed if there are outstanding town fines, liens, or code violations against any of the property to be considered for subdivision or against the owner of said property. In addition, no permit shall be issued for a lot of record that is not a valid non-conforming lot by virtue of it being subdivided from a larger lot of record without following the subdivision regulations in existence at the time the lot was subdivided.

##### **Sec. 54-3. - Jurisdiction and procedure for approval.**

- (a) It shall be unlawful for any owner, agent or person having control of any land within the town to subdivide or lay out such land into two or more lots, unless by a plat, in accordance with the regulations contained in this chapter. Twelve copies of the preliminary plan and preliminary plat shall first be submitted to the town administrator for review by the town staff. After the town staff report and recommendation is made and filed, such final plan shall be submitted to the town council for its approval or disapproval. No plat shall be recorded unless and until approved as provided in this section.
- (b) The design and layout of all subdivisions shall conform with the requirements of section 54-6. The subdivider shall submit a preliminary subdivision plan in accordance with the specifications of section 54-4. Following approval of the preliminary plan, the subdivider shall guaranty the minimum required improvements in accordance with the requirements of section 54-5. Upon approval of improvement installations or arrangements therefor, the final plat shall be submitted in accordance with the provisions of section 54-4(c).
- (c) A preliminary subdivision plan meeting the requirements of section 54-4(a) may be filed with the town simultaneously with an application for the rezoning of such property. The preliminary plan shall be reviewed by the town administrator and town staff for compliance with applicable law and with local

regulations, and when found to substantially comply, scheduled for review by the town council concurrently with the rezoning public hearing. Thereafter, a final plat of the property may be submitted jointly with the rezoning application to the town council for its consideration at a public hearing held for such purpose.

Sec. 54-4. - Data required on preliminary and final plans and plats.

- (a) *Preliminary plan.* Whenever any person desires to subdivide land into lots or to dedicate streets, alleys or land for public use, they shall submit 12 copies of the preliminary subdivision plan conforming to the requirements of section 54-5 and preliminary plat to the town before submission of the final plan. The preliminary plan, at a minimum, shall show:
  - (1) The location of present property and section lines, boundaries of incorporated areas, streets buildings, lakes and watercourses.
  - (2) Any existing or proposed sanitary and storm sewers, water mains and culverts within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer are to be indicated in a general way upon the plan.
  - (3) The proposed location and width of streets, alleys, lots, building and setback lines and easements, and the proposed width and grade of street paving.
  - (4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.
  - (5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land.
  - (6) North point, scale and date.
  - (7) Elevation data or topographic survey.
  - (8) The proposed subdivision layout and improvements.
  - (9) A detailed site plan and landscape plan, and such other plans (e.g. lighting) as the town may deem relevant.
  - (10) Such other information as may be required by the town.
- (b) *Final plan.* The final subdivision plan shall incorporate all of the above and any comments and recommendations from town council.
- (c) *Requirements for the preliminary and final plat.*
  - (1) *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 survey or engineering design of the project.
  - (2) *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.
    - a. *Material.* The plat shall be drawn or printed on 24 inch by 36 inch material acceptable to the town.
    - b. *Preparation.* The plat shall be prepared by a land surveyor currently registered in the State of Florida and is to be clearly and legibly drawn with black permanent drawing ink or varitype process to a scale of not smaller than one inch equals 100 feet or as otherwise determined by the town.
    - c. *Name of subdivision.* The plat shall have a name acceptable to the town. 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 within the county. 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.

- d. Title. The plat shall have a title printed on each sheet in bold legible letters containing:
  1. The name of the subdivision, printed above and in letters larger than the balance of the title;
  2. The name of the county and state;
  3. The section, township, and range as applicable, or if a land grant, so stated;
  4. The words "section", "unit", "replat", "amendment", etc. when the plat is a replat, amendment, or addition to an existing plat of record; and
  5. When the plat encompasses land in a planned development district it shall contain the appropriate abbreviation for such designation within the title (e.g. PRD).
- e. 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.
- f. 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 the 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.
- g. Survey data. The plat shall show the length of all arcs together with central angles, radii, and points of curvature. Sufficient survey data shall be shown to positively describe the boundary of each lot, block, right-of-way, street, easement, and all other areas shown on the plat and all areas shall be within the boundary of the plat as shown on the description. The plat shall also include the following items in the manner described below.
  1. The scale, both stated and graphically illustrated, shall be shown on each sheet.
  2. 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.
  3. The point of beginning shall be boldly shown together with the letters "P.O.B." in bold letters.
  4. All intersecting street lines shall be joined to form required safe sight corners pursuant to applicable state and county standards, and all dimensions shall be shown.
  5. All adjoining property shall be identified by a subdivision name, plat book and page, or, if unplatted, the land shall be so designated.
  6. Permanent reference monuments shall be shown in the manner prescribed by F.S. ch. 177, as amended. All information pertaining to the location of "P.R.M.'s" shall be indicated in note form on the plat. Permanent control points and permanent reference monuments shall be designed and set as prescribed by F.S. ch. 177, as amended, and the subdivision design and survey requirements as more fully set forth hereinbelow.
  7. There shall be reserved on each sheet of the plat a three inch by five inch space in the upper righthand corner to be used by the clerk of the circuit court for recording information and each sheet shall reserve three inches on the left margin and a half-inch margin on all remaining sides.

8. The map shall mathematically close within 0.01 feet and shall be accurately tied to all county township, range and section lines occurring within the subdivision by distance and bearing.
9. 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 re-subdivision of a previously recorded subdivision, then a tie to a permanent reference monument from the parent plat is sufficient. If the subdivision is a re-subdivision 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 town.
10. 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 the town.
11. A complete legend of the abbreviations shall be shown.
12. All lettering on the plat shall be at a minimum 0.10 of an inch in height.
13. The plat boundary and all parcels shown on subdivision plats intended to be conveyed in fee title shall be delineated by solid lines.
14. Lines intersecting curves shall be noted as radial or non-radial as the case may be.
15. A note addressing any abandoned underlying lands or easements, including record information, shall be shown.
16. Tabulation of survey data:
  - i. The use of tangent tables is not permitted.
  - ii. Curve data may be tabulated subject to the following: (a) external boundary or centerline curve 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.
- h. 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.
- i. Street names. The plat shall show the name of each street as shown on the final subdivision plan.
- j. Not included parcels. Not included or excepted parcels must be marked "not a part of this plat" or such similar phrase. 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.
- k. Streets and easements. All street, right-of-way, and easement widths and dimensions shall be shown on the plat. Easements are to be tied at both ends at intersecting boundary, lot, or right-of-way lines. The plat shall show the name, location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.
- l. Maintenance and use documents. Maintenance and use covenants, as may be required by the town, shall be submitted with the final plat and approved by the town attorney prior to recordation of the final plat. All areas of the plat that are not to be sold as individual lots and

all easements 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.

- m. Streets. All streets and their related facilities which are designed to serve more than one lot or dwelling unit shall be dedicated to the town for public use. No private streets shall be permitted, except for common driveways as may be permitted pursuant to Sec. 54-6(a)(2)b. When parking areas are required to be constructed, they shall be reserved to and shall be the perpetual maintenance responsibility of a property owners' association, which association shall have jurisdiction over the parking area and the clustered lots. Such parking areas shall be clearly identified and reserved as tracts for parking and access purposes.
- n. Restriction of 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 approval of all easement beneficiaries and the town.
- o. Certification and approvals. The plat shall contain on the face or first page the following certifications and approvals, acknowledged as required by law, all being in the form set forth below:
  - 1. Dedication and reservation. All areas dedicated for public use shall be dedicated by the owner of the land at the time the plat is recorded. Such public areas include, but are not limited to: civic sites, parks, rights-of-way for streets or alleys, however the same may be 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:
    - i. The name of the recipient or beneficiary of the dedication or reservation (including successors and assigns);
    - ii. The purpose of the dedicated or reserved area; and
    - iii. The name of the entity responsible for the perpetual maintenance of the dedicated or reserved area (including successors and assigns). In the event the town is not the recipient or beneficiary of the dedication or reservation, the statement of maintenance responsibility shall include the phrase "without recourse to the Town of Haverhill." If required by the town, certain dedications or reservations shall grant the town the right but not the obligation to maintain said area. 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 town. Dedications to the town shall be accepted in the manner provided in the Code or by law. 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. In such an event, the misuse shall not invalidate any town requirement or plat dedication or reservation.
  - 2. Mortgagee's consent and approval. Where the property being platted is encumbered by a mortgage, the mortgagee's consent and approval of the dedication shall be required on the plat. The signature of the mortgagee on the plat must be witnessed and execution must be acknowledged in the same manner as mortgages are required to be witnessed and acknowledged.
  - 3. Certification of surveyor. The final plat shall contain the signature, registration number and official seal of the surveyor, certifying that the plat is a true and correct representation of the land surveyed under his/her responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of Chapter 177, Fla. Stat., as amended, and this chapter. The certification shall also state that permanent reference monuments ("P.R.M.'s") have been set



incompliance with F.S. ch. 177, as amended, and this chapter. When the permanent control points ("P.C.P.'s") are to be installed after recordation of the plat, the certifications shall also state that the PCP's will be set under the direction and supervision of the surveyor under the guarantees posted by the developer for required improvements within the plat. When required improvements have been completed prior to the recording of the plat, the certifications shall state that PCP's have been set in compliance with the laws of the State of Florida and ordinances of the Town of Haverhill.

4. Town approval. The plat shall contain the signature block of the mayor and the acknowledgement and signature block of the clerk of the circuit court. Upon adoption of the resolution approving the plat by the town council, and after applicant has obtained all other signatures on the plat, the mayor shall execute the plat and the plat shall be presented by the town to the clerk of the circuit court for recording.
5. Certification of title. The title sheet of the plat shall contain a title certification. The title certification must be an opinion of an attorney-at-law licensed in Florida, or the certification of a title insurance company licensed in Florida, and shall state that:
  - i. 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;
  - ii. All taxes and assessments have been paid on said lands as required by state law.
  - iii. All mortgages on the land are shown and indicated by their official record book and page number; and
  - iv. There are no encumbrances of record on said lands that would prohibit the creation of the proposed subdivision.
6. Preparing surveyor. The name and address of the natural person who prepared the plat shall be shown on the plat as required by F.S. § 695.24, as amended.

#### Sec. 54-5. - Minimum required improvements.

Except when waived pursuant to other provisions of the Code or as may determined by the town because of the nature of the subdivision, the following improvements 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 comprehensive plan. These required improvements shall be installed prior to recordation of the corresponding plat unless the developer furnishes a guaranty 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:

- (1) *Access and circulation systems.* All streets and required sidewalks, and, when required under section 54-6, parking areas shall be constructed by the developer in accordance with the design and construction requirements of the town, which are 50 feet of right-of-way with curb and gutter, and 60 feet of right-of-way with swales. However, the town council may vary the right-of-way requirement to no less than 40 feet curb and gutter provided an acceptable amount of easement area is dedicated for utilities. Notwithstanding anything contained in the Code of Ordinances to the contrary, the town council may, but shall not be required or obligated to, approve for dedication to the town a street with a minimum width of 24 feet including valley gutters in any platted or unplatted subdivision located within the PBI Airport Overlay.
  - 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.
  - c. The cost of installing all sidewalks and paths pursuant to the approved pedestrian circulation system shall be guaranteed, except that the required guaranty may be waived by the town

engineer for portions of local streets abutting residential lots when the paving, grading and drainage plans contain a note, acceptable to the town 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 section 54-7.
- (3) *Stormwater management system.* The developer shall comply with the provisions of section 54-8, ordinance No. 228 and 493, chapter 50, and all other applicable laws, rules and ordinances, regarding the construction and installation of a stormwater management system. On lots intended for building construction, the final grading of each lot, or the applicable approved grading plan, shall be done in conjunction with and pursuant to the building permit for said stormwater management system. All water management tracts required hereunder shall not be considered as part of a platted lot and shall be specifically excluded from lot calculations.
- (4) *Wastewater system.* The developer shall install the required wastewater collection and/or disposal system for the development in accordance with section 54-9 and ordinance No. 230.
- (5) *Potable water system.* The developer shall install the required potable water distribution system for the development in accordance with section 54-10 and ordinance No. 230 including required hydrants.
- (6) *Utilities.* The developer shall satisfy the requirements for underground installation of utility services and for utility site location, when applicable, of section 54-11.
- (7) *Subdivision design and survey requirements.* The developer shall install all required permanent control points in accordance with section 54-11. When the permanent control points are to be installed after plat recordation, the cost of installing permanent control points shall be guaranteed.
- (8) *General design requirements.* The design of the required improvements shall be in accordance with acceptable engineering principles.
- (9) *Parks and recreation.* The developer shall satisfy all applicable requirements for provision of parks, recreation areas, and recreational facilities to serve residents of a proposed subdivision in accordance with the requirements of the town as part of the condition of approval. The means of complying with said requirements shall be fully addressed on the final subdivision plan.

Sec. 54-6. - Access and circulation systems.

(a) *Vehicular circulation systems.*

- (1) *Required improvement to be constructed by developer.* All streets, alleys, and related facilities required to serve the proposed development shall be constructed by the developer. Construction shall consist of, but not be limited to, grading, base preparation, surface course, and drainage. All streets, , shall be constructed to the minimum standards established by this chapter and the town standards. Notwithstanding the foregoing, or anything contained herein to the contrary, all streets serving subdivisions to be constructed by developer shall have a minimum right-of-way of 50 feet with curb and gutter and 60 feet with swale. However, the town council may vary the right-of-way requirement to no less than 40 feet curb and gutter, or 24 feet including the street and valley gutter in the PBI Airport Overlay, provided an acceptable amount of easement area is dedicated for utilities. Additionally, the developer shall construct any parking tracts which provide access to any clustered 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 certificate of occupancy for any dwelling unit located on a clustered 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 town. 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 town prior to issuance of the certificate of occupancy for any dwelling unit or building served by such parking tract.

- (2) *Minimum legal access requirement.* There is hereby established a hierarchy of legal access as shown on chart 54-A. 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 the town codes.

- a. When legal access to a lot is permitted by this Code to be by a common parking area which serves more than one lot, it shall be dimensioned and depicted on the construction plans and reserved on the plat as a "parking tract". Said tract shall be reserved for parking and access purposes to the property owners association having jurisdiction over the parking area and the abutting lots.
- b. A common driveway may not be utilized for legal access to abutting lots situated on a residential access street notwithstanding the fact that said lots would otherwise have no reasonable means of obtaining direct access to or required frontage on the adjacent residential access street, except that a common driveway, which is private and not dedicated to the town, may be used for legal access to a group of not more than two (2) residential abutting properties, one of which has the required frontage along Belvedere Road or Haverhill Road, that are equal to or greater than 10,000 square feet in lot area and are adjacent, on at least one side, to a non-residential property land use in the town. Any common driveway which is to be reserved as a private street shall be identified on the plat as a tract for private street purposes, and shall have direct access to and from either Belvedere Road or Haverhill Road. Common driveways may only be permitted when such streets are subject to a recorded maintenance and use document subjecting the driveway to the jurisdiction and control of all lot owners deriving access to and from such driveways, and their successors and assigns. Said driveway shall be delineated and reserved on the applicable plat for purposes of perpetual access to the lots served, and shall meet the minimum easement and pavement width requirements, as may be prescribed by the town In addition, common driveways permitted hereunder shall meet the minimum pavement and right-of-area as prescribed for alleys in Sec. 54-6(a)(8).
- c. A common parking lot may be utilized for legal access to individual commercial lots created by subdivision of a shopping center 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 town. 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.

- (3) *General design considerations.* The proposed street layout shall be integrated with the town'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 traffic circulation element of the comprehensive plan, chart 54-A, and the town 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.* 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. The lot line(s) abutting any street of higher classification than a local street shall be buffered in accordance with the provisions of section 54-14(b).
  - 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 town codes and standards.
- (5) *Construction in muck or clay areas.* Construction in muck or clay areas shall be done in accordance with the town 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. Intersections which warrant traffic signalization shall be spaced a minimum distance of 1,320 feet, centerline to centerline. Connection of local streets to arterial streets may be permitted by the town only where other access is unavailable. Local street jogs with centerline offsets of less than 125 feet are prohibited.
- (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) *Alleys.* Alleys may be allowed in subdivisions when they are necessary, in the opinion of the town, 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 12 feet wide in a minimum 15 feet right-of-way, with appropriate radii for the intended use.
  - b. Commercial areas. Alleys shall be paved 18 feet wide in a minimum 20-foot right-of-way, with appropriate radii for the intended use.
- (9) *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 town. Bridges shall have a clear roadway width between curbs two feet in excess of the pavement width in each direction, and shall have sidewalks four feet wide on each side. All bridge structures shall be designed for H-20-S16-44 loading, incorporating adequate corrosion protection for all metal work and erosion protection for associated shorelines and embankments.
- (10) *Street markers.* Street markers shall be provided at each intersection in the type, size and location required by the current town standards. Street name signs shall carry the street name shown on the plat of record and shall be in compliance with the current town standards.
- (11) *Traffic control devices.* The developer shall install traffic control devices and, where warranted, traffic signals on roads within the interfacing with the subdivision. A traffic impact analysis meeting the approval of the town shall be used to assist in establishing the need for such signals; provided, however, the traffic impact analysis shall not be determinative or conclusive in deciding whether a signal is warranted.
- a. Pavement markings and/or lane delineators. Pavement markings and/or lane delineators meeting the requirements of the town shall be installed on all arterial and collector streets. Pavement markings and/or delineators may be required on other streets such as project entrances, as determined by the town.

- b. Design. The design of traffic control devices shall be in accordance with the manual for uniform traffic control devices and applicable town standards.
- (12) *Pavement widths.* The minimum pavement width for road serving a subdivision shall be 20 feet except that a private road serving no more than two abutting lots may have a pavement width of 12 feet. However, nothing herein shall prevent the town council from requiring a wider pavement.
- (13) *Dead-end streets.* Dead-end streets shall be designed and constructed with an appropriate terminal turnaround in accordance with the town standards. Dead-end streets shall not exceed 1,320 feet in length except where natural geographic barriers exist necessitating a greater length.
- (14) *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 town standards.
- (15) *Shoulders.* All unpaved shoulders shall be constructed and grassed in accordance with the town standards. Grassing, with seed and mulch or with solid sod, as required, shall be completed prior to acknowledgement of completion of the required improvements by the town. No time extensions to any contract for the construction of required improvement will be granted on the basis of incomplete shoulder treatment.
- (16) *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 town 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.
- (17) *Non-conforming streets.* Streets which do not meet the design and constructions standards of this article and the town shall not be permitted except where satisfactory assurance for dedication of the remaining part of the street or reconstruction of the street in accordance with current standards is provided. 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. The town shall not accept non-conforming streets for ownership or maintenance through the procedures established by this article.
- (18) *Limited access easements.* Limited access easements shall be required along all nonplan collector streets and all major streets in order to control access to such streets from abutting property. Easements for controlling access to local and residential access streets may be required by the town in order to ensure continued control of access to such streets from abutting property. All limited access easements shall be conveyed or dedicated to the town.
- (19) *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 town administrator for approval prior to submittal of the final subdivision plan application. Consideration shall be given to the ease in which emergency services can find the street when determining the street name.
- (20) *Alignment, tangent, deflection, radii.* Streets shall be laid out to intersect as nearly as possible at right angles. Multiple intersections involving the junction of more than two 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. Reverse curves may be allowed by the town. 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 Florida Department of Transportation

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. Street pavement return radii shall be a minimum of 30 feet.

- (21) *Street lighting.* If street lighting is installed it shall be maintained by a property owners' association. Unless street lighting installation conforms to the standards of the requisite utility company, street lights shall be placed outside of rights-of-way, road tracts, or any other areas designated for road purposes. Streets lighting shall be wired for underground service.
  - (22) *Median strips.* Median strips which are part of a public street may not be utilized for any purpose other than by the town or public utility. However a developer or property owner may install landscaping in a median strip or within shoulders in accordance with permitting requirements as established by the town.
  - (23) *Subdivision entrance ways.* Subdivision entranceways consisting of walls, fences, gates, rock piles or other entrance features are not permitted within the median strip or other areas in a public street. Decorative entrance ways must be constructed upon plots of land adjacent to a public street in compliance with applicable town codes and placed so as not to constitute a traffic hazard.
  - (24) *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 intersection street lines. Two lanes shall be required on each side of the median in the area of the guardhouse.
- (b) *Pedestrian circulation system.*
- (1) *Requirement for sidewalks.* Except as provided in this section, sidewalks shall be constructed on both sides of all streets. Required sidewalks shall be constructed by the developer.
  - (2) *Master pedestrian circulation plan; waiver of requirement.* The town council may approve a master pedestrian circulation plan and, upon such approval, may waive, in whole or in part, the requirement for sidewalks within the street of a subdivision, or portion thereof, where it finds that the alternative pedestrian circulation system provides accessibility, convenience, continuity and safety equivalent to or greater than that which would be provided by the required sidewalks. The master pedestrian circulation plan shall be submitted by the developer for approval concurrently with, and shall be considered part of the approved final subdivision plan.
    - a. Requirements for master pedestrian circulation plan. An application, the required fee, and the required number of copies of a master pedestrian circulation plan shall be submitted for placement on the agenda of the town council. The master pedestrian circulation plan shall be a full-sized reproducible copy of the approved final subdivision plan, and shall be modified, when necessary, to show:
      - 1. The location of all lots and the number and type of dwelling units on each lot;
      - 2. The classification and width of each street;
      - 3. The location, width and type of each pedestrian path, including those sidewalks and bicycle paths to be constructed within the streets; and
      - 4. Locations of all connections to pedestrian systems outside the development.
    - b. Distribution of approved plan. Upon approval of a master pedestrian circulation plan, a copy of the approved plan shall be forwarded to the town administrator..
    - c. 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 town council may approve a concurrent request by the developer to reduce local street widths from those required hereunder 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.
- (d) *Crosswalks.* When the block length exceeds 900 feet, crosswalks between streets may be required where deemed essential by the town to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Sec. 54-7. - Clearing, earthwork, and grading.

- (a) *Minimum required improvement.* The developer shall be required to clear all rights-of-way and to make all grades for streets, parking tracts, lots and other areas proposed to be developed, compatible with on-site drainage patterns established by the approved drainage design.
- (b) *Unsuitable materials.* The developer shall remove and replace unsuitable materials. Replacement of unsuitable materials within streets and proposed public areas shall be satisfactory to and meet with the approval of the town, who shall require such soil tests of the back fill 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.

Sec. 54-8. - Stormwater management.

Management of stormwater shall be consistent with the town's comprehensive plan, its stormwater management ordinance and chapter 50, as amended, and the requirements of all other governmental agencies. All water management tracts required hereunder shall not be considered as part of a platted lot and shall be specifically excluded from lot calculations.

Sec. 54-9. - Wastewater systems.

- (a) *General requirement.* Except in subdivisions of four or fewer lots, 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 PBCPHU.
- (b) *Package treatment plant (on site).* In the absence of a central sewer system, use of a package treatment plant will be allowed only under the following circumstances:
  - (1) The subdivision is located within the service area of a central sewer system and extension of service to the subdivision is in the utility's master plan;
  - (2) The package treatment plant will be operated by the utility and abandoned upon extension of the central sewer system;
  - (3) Zoning approval is secured as required in chapter 58 of this Code; and
  - (4) Infrastructure will be designed and built consistent with future connections to a central sewer system.

The package treatment plant must be designed and constructed in accordance with the requirements of DEP and other governmental agencies.

- (c) *Individual system.* In subdivisions of four or fewer lots, a septic tank system is an acceptable method of sewage disposal for each lot, when permitted by the PBCPHU.

Sec. 54-10. - Potable water systems.

- (a) *General requirement.* Except in subdivisions of three or fewer lots, 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 department of environmental protection (DEP) requirements, applicable permits or approvals obtained from the utility responsible for the central water system, and the appropriate permits secured from the PBCPHU.

- (b) *Package treatment plant (on-site).* In the absence of a central water system, use of a package treatment plant will be allowed only under the following circumstances:

- (1) The subdivision is located within the service area of a central water system and extension of service to the subdivision is in the utility's master plan;
- (2) The package treatment plant will be operated by the utility and abandoned upon extension of the central water system; and
- (3) Zoning approval is secured as required in this Code;
- (4) Infrastructure will be designed and built consistent with future connections to a central sewer system.

The package treatment plant must be designed and constructed in accordance with the requirements of DEP and other applicable governmental agencies.

- (c) *Individual system.* In subdivisions of three or fewer lots, or where otherwise allowed, an individual well system is an acceptable method of providing potable water for each lot, when permitted by the PBCPHU.

#### Sec. 54-11. - Utilities.

- (a) *Required improvement.* All utilities, including power and light, telephone and telegraph, cable television, water and wastewater, wiring to street lights, and gas shall be installed underground. Utilities shall be constructed in easements as prescribed by this section. The developer shall make arrangements for utilities installation with each person furnishing utility service involved.
- (b) *Easements.* Utility easements shall be provided where necessary to accommodate all required utilities across lots and shall have convenient access for maintenance. Unless otherwise agreed to by the town, the easement should be no less than 15 feet wide. Where possible easements shall be centered on lot lines. Where possible, utility easements 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 to ten feet. Additional utility easements may be required by the town when, in the opinion of the town 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 crossing 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 utilities authority's rules and regulations.
- (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.
- (d) *Installation in streets.* Before the base for any street has been started, 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.

Sec. 54-12. - Fire hydrants.

- (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 hundred 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) *Multiple family developments of over five dwelling units per acre, commercial, institutional, industrial or other high daytime or nighttime population density developments.* In these areas fire hydrants shall be spaced no greater than 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.

Sec. 54-13. - Subdivision design and survey requirements.

- (a) *Required improvement.* The developer shall install the required buffering and, when recording a plat, shall comply with this Code for setting of "P.R.M.s" and "P.C.P.s".
- (b) *Buffering.* Residential developments shall be buffered and protected from adjacent expressways, arterials and railroad rights-of-way with a five-foot limited access easement, which shall be shown and dedicated on the plat, except where access is provided by means of a marginal access road or where such expressway, arterial or railroad right-of-way abuts a golf course.
- (c) *Blocks.*
  - (1) *General considerations.* The length, width and shape of blocks shall be determined with due regard to:
    - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
    - b. Zoning requirements as to lot size and dimensions;
    - c. Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic; and
    - d. Limitations and opportunities of topography.
  - (2) *Maximum length.* Block lengths shall not exceed 1,320 feet between intersecting streets. Provided, however, that greater lengths may be approved by the town engineer on an individual basis after considering such factors as but not limited to, lot size, ADT, number of through streets, street layout and other engineering considerations, in accordance with acceptable engineering practices.
- (d) *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. All lots within a

subdivision must have legal access to a local street dedicated to the town, except for those lots that are permitted to use a common driveway pursuant to Section 54-6(a)(2)b. Lots that are legal non-conforming lots of record as of February 1, 2022, may subdivide as long as each lot created can meet the other requirements of the Code such as area and setbacks, provided, however, that they need not meet the lot width requirements. For lots using a private common driveway, setbacks shall be measured from the property line, not the driveway.

- (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 nonconforming.
  - (2) *Lots abutting major streets.* When lots are platted abutting a major street or non-plan collector street, access shall be provided by and limited to local streets, no access from individual lots shall be permitted directly to a major street.
  - (3) *Through lots.* Double 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. Where double frontage lots are developed they shall be buffered as required by this Code.
  - (4) *Lot Width.* Notwithstanding anything contained in the Code to the contrary, the subdivision of lots in the R-1 Single Family Residential District which will result in lot width of no less than 90 feet may be approved by the town council; provided, however, that all other building requirements set forth in Sec. 58-170 are met, along with any additional requirements requested by the town council.
- (e) *Minimum safe sight distance at intersections.* Corner lot lines at intersecting street lines shall be the long chord of a 25-foot radius, except that at the intersection of two thoroughfare plan streets the radius shall be 40 feet. 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 Florida Department of Transportation 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.
- (f) *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 county standards.
  - (2) Permanent control points ("P.C.P.s"). Permanent control points shall be installed as follows.
    - a. Installation prior to plat recordation. Where required improvements are constructed prior to recordation, the permanent control points shall be set prior to submission of the final plat and certified by the surveyor in accordance with section 8.20.B.15.c.
    - 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 section 8.21.A.8. In such case, the surveyor's certificate shall comply with section 8.20.B.15. The signing surveyor shall provide the town engineer with a copy of the recorded certification required by F.S. § 177.091, as to his placement of the permanent control points.

**Sec. 54-14. - Character of development.**

The subdivider shall confer with the town administrator regarding the type and character of development that will be permitted in the subdivision and the town may place certain minimum restrictions upon the property to prevent the construction of substandard buildings, control the type of structures or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed

subdivision and of adjoining property. Deed restrictions or covenants running with the land may be required and included to provide for the creation of a property owner's association or board of trustees for the proper protection and maintenance of the development in the future; provided that, such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereof of the terms of the restrictions or covenants. Where the subdivision contains sewers, lift stations, water supply systems, park area, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which the town or county does not desire to maintain, provision shall be made by trust agreement and a part of the deed restrictions, acceptable to the town or county for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

Sec. 54-15. - Building and architectural design standards.

- (a) The Town of Haverhill's building and site design standards expect new construction to respect, reinforce and enhance the neighborhood context created by existing development throughout the town. All new construction should blend with the established development pattern and not challenge it. For these reasons, many of the design standards imposed on a developer under this chapter shall seek to ensure that proposed buildings are properly located on the site and provide visual appeal and not the cluttered look that sometimes occurs with higher density; provide consistent connectivity for pedestrians and vehicles; and provide features and amenities, both within the unit and overall community, that is appropriate to the existing context and which is intended to enhance the overall living experience of residents.
- (b) Accordingly, the town desires to allow the developer and the design professional to choose the architectural styles and types of building that is appropriate for the project and in keeping with the intent of this section. For these reasons, the design standards do not prescribe the use of certain architectural styles or specific architectural detail. However, any building type, style and design, and site and landscape plans and improvements thereon, are subject to approval of the town council as part of the subdivision approval process. And, it is expected that once it is selected, it will be utilized correctly with the proper choice of materials, detailing, and proportioning.
- (c) In order to assist the community with the transition from development to redevelopment, this section establishes minimum building and design standards and concepts to assist the developer and design professional in choosing materials, proportions, location, and other organizational arrangements. The design standards are not intended to restrict imagination, innovation or variety, but rather to assist in focusing design principles. The design standards will permit creative solutions that strengthen the overall contextual setting with a highly diverse architectural legacy of good design and the unique urban context existing in the town.
  - (1) *Building style.* New construction shall utilize an identifiable architectural style which is recognized by design professionals as having a sound and viable basis in architectural design philosophies. Renovations, additions and accessory structures shall utilize the architectural style of the existing structure, or the entire existing structure shall be modified to utilize an identifiable architectural style which is recognized by design professionals as having a sound and viable basis in academic architectural design philosophies.
  - (2) *Wall composition.* Wall composition standards ensure that residential buildings offer attractive features to the pedestrian. Wall composition also mitigates blank walls and ensures that all sides of a building have visual interest. Structures which are situated on corner lots, through lots, or by the nature of the site layout have a facade which is clearly visible from rights-of-way shall be designed with full architectural treatment on all sides visible from rights-of-way. Full architectural treatment shall include roof design, wall materials, architectural trim, and door and window openings. While it is recognized that buildings have primary and secondary facades, the construction materials and detailing should be similar throughout.
  - (3) *Transparency.* The provision of transparency enhances visual connections between activities inside and outside buildings thereby improving pedestrian safety. Windows on the street side facades shall be evenly distributed in a consistent pattern. Windows shall not be flush mounted. Windows recessed less than three inches shall feature architectural trim including a header, sill

and side trim or decorative shutters. Windows recessed three inches or more shall feature a window sill.

- (4) *Roofs.* Rooflines add visual interest to the streetscape and establish a sense of continuity between adjacent buildings. When used properly, rooflines can help distinguish between residential and commercial land uses, reduce the mass of large structures, emphasize entrances, and provide shade and shelter for pedestrians. Buildings shall provide a pitched roof or a flat roof with a decorative parapet wall compatible with the architectural style of the building.
- (5) *Building materials.* Building material standards protect neighboring properties by holding the building's value longer thereby creating a greater resale value and stabilizing the value of neighboring properties. Building materials shall be appropriate to the selected architectural style and shall be consistent throughout the project.
- (6) *Noise attenuation.* Every new dwelling structure in the area bounded on the north by Belvedere Road, on the west by the western Town boundary, and on the east by Military Trail, shall utilize building materials and techniques to reduce sound levels generated by aircraft noise, such as impact windows.

#### Sec. 54-16. - Variations and exceptions.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in real difficulties or substantial hardship or injustice, the town council, after report by the town administrator, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the surrounding area within the town are protected and the general intent and spirit of these regulations is preserved. Special consideration shall be given to any requests for variations in applications under this chapter which dedicate some or all of the units as workforce housing units. This does not imply that a variance to the strict application of these and other building regulations shall be granted by right, but that the town will consider such requests more favorably. However, no variation shall violate the Town of Haverhill Comprehensive Plan. Workforce Housing Unit (WHU) means a dwelling unit to be sold to an individual or family that is classified as Moderate Income Households according to the Palm Beach County standards and the town may impose other restrictions and covenants on WHU's such as deed restrictions in granting relief from the strict application of this Code.

#### Sec. 54-17. - Miscellaneous.

- (a) *Limitations as to town maintenance.* Nothing in these regulations shall be construed as meaning that the town shall take over the maintenance of any road, street, alley, public parking or other public area, or drainage facility related thereto, except those designed and built in accordance with the town's requirements and taken over for maintenance by specific town council action. The assumption of maintenance by the town under these regulations shall not be construed to mean that the town shall assume operating or other costs of street lighting. Nothing in these regulations shall be construed as obligating the town to drain any land, except that which lies in the public rights of way and drainage easements.
- (b) *Administration of this chapter.* The administration of this chapter shall be under the direction of the mayor or such other official of the town designated by the mayor.
- (c) *Minimum requirements.* In their interpretation and application, the requirements of this chapter shall be deemed to be minimum requirements necessary for the promotion of public health, safety and welfare. The town council, may add other requirements.
- (d) *Relationship to other agency requirements.* The requirements of this chapter 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. Compliance with the requirements of this chapter shall not relieve the developer, his successors and/or assigns from the necessity to comply with all requirements and obtain all permits required by the regulations of such other agencies.

- (e) *Required improvements installation requirement.* No final plat shall be recorded until all required improvements set forth in section 54-5, or may otherwise be required as part of the subdivision approval process, are either completed to the satisfaction of the town or are guaranteed to be completed by the developer, including the posting of a bond or letter or credit or such other security in such form and amount as may be required by the town.
- (f) *Time of completion of required improvements.* The time of completion of all required improvements shall not exceed 12 months from the date of issuance of the building permit or 15 months from the approval of the subdivision, whichever first occurs, unless an extension is granted pursuant to this subsection. A time extension of up to one year may be granted by the town council after review of a written application for extension filed by the developer. The written application should include, but not be limited to, a statement of justification and proof that an acceptable guarantee will remain in place for the duration of the extension, or if no guarantee is provided, that one will be provided in form and amount satisfactory to town. This provision is in addition to any requirements set forth in section 58-103.
- (g) *Defined terms.* The terms and phrases used in this chapter shall have the meaning ascribed to them under Sec. 58-8, Definitions, of the town zoning code.

#### CHART 54-A CHART OF ACCESS HIERARCHY

**MAJOR STREETS:** Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category.

EXPRESSWAY

ARTERIAL

PLAN COLLECTOR

**MINOR STREETS:** 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.

NON-PLAN COLLECTOR

MARGINAL ACCESS

LOCAL

ALLEY (secondary access only)