
CITY OF OCALA

CITY COUNCIL REPORT

Council Meeting Date: 05/18/21

Subject: Code Amendment for Chapter 114, Subdivisions

Submitted By: David Boston

Department: Growth Management

STAFF RECOMMENDATION (Motion Ready): Adopt Ordinance 2021-52 to update Chapter 114, Subdivisions, to provide for electronic plan submittal, to remove obsolete references to the Florida Statutes and the Florida Administrative Code and to make other minor changes (Case COD21-0003)

OCALA'S RELEVANT STRATEGIC GOALS: Economic Hub, Quality of Place

PROOF OF PUBLICATION:

BACKGROUND:

Growth Management is submitting the proposed revisions to Chapter 114, Subdivisions, of the City Code of Ordinances. The changes provide for electronic plan submittal rather than paper copies. Other changes are recommended to remove outdated references to the *Florida Statutes* and the *Florida Administrative Code* and to provide updated references to city engineering standards and location of information.

Recommended for Approval by the Planning & Zoning Commission on April 12, 2021 by a vote of 5 to 0.

A list of the proposed changes to Chapter 114 is included below.

FINDINGS AND CONCLUSIONS:

The proposed changes to Chapter 114, Subdivisions, are intended to remove outdated paper submittals, to update references to statutes and city engineering specifications, and to clarify some processes and criteria. These changes are intended to reflect current practices and procedures.

FISCAL IMPACT:

N/A

PROCUREMENT REVIEW:

N/A

LEGAL REVIEW:

The ordinance is pending review by the City Attorney, Robert W. Batsel, Jr.

ALTERNATIVE:

Approve

Approve with changes

Deny

Table

List of Proposed Changes to Chapter 114, Subdivisions

Sec. 114-10(h)	Recording costs and reproduction costs to be paid by developer
Sec. 114-12	Planning and Zoning Commission public meeting rather than a public hearing
Sec. 114-14(c)	Use “or” rather than “and/or”
Sec. 114-34	Electronic plan submittal rather than paper; reorganize and apply new headings for subparagraphs; move developer’s agreement to Step 3, Improvements; adopt conceptual plan by Resolution
Sec. 114-35	Remove proposed developer’s agreement from this step and remove outdated reference to the Florida Administrative Code (F.A.C.)
Sec. 114-36	Exemption criteria for Step 3, Improvement and construction plan; provide for electronic submittal and for developer’s agreement
Sec. 114-37	Insert new paragraph (11) to replace an item unintentionally removed in Ord. 2019-15, renumber remaining items and add developer’s agreement to the list
Sec. 114-38	Electronic submittal of final plan; revision of time limits and providing for recording documents and fees
Sec. 114-39(b)	Remove obsolete reference to <i>Florida Administrative Code</i>
Sec. 114-39(e)	Add “except when” conditions for developer’s agreement submittal
Sec. 114-42	Forms, approval of applications and guidelines on city website
Sec. 114-61	Remove obsolete references to <i>Florida Administrative Code</i> and to <i>Florida Statutes</i>
Sec. 114-62(f)	Remove obsolete reference to the Downtown tax increment-financing district
Sec. 114-62(x)	Remove obsolete reference to <i>Florida Administrative Code</i>
Sec. 114-65	Change references to construction manuals
Sec. 114-66(b)	Correct edition and location of City engineering specifications.
Sec. 114-92	Remove the word “then” from current edition of the Florida Department of Transportation’s Design Standards. Combine paragraphs (g) and (h) for completion of sidewalks
Sec. 114-94	Provide a reference to a subsection (114-97(c)) regarding stormwater
Sec. 114-96(b)(1)	Clarifying language regarding lots with or without central utilities

SUPPORT MATERIALS:

Staff Report (PDF)

Redlined Ordinance (PDF)

OPZC Minutes 4-12-21 (PDF)

ORDINANCE 2021-52

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING SUBDIVISIONS; AMENDING SECTION 114-10 BY ADDING SUBSECTION (H) PROVIDING FOR RECORDING AND REPRODUCTION COSTS FOR FINAL PLATS; AMENDING SECTION 114-12 BY PROVIDING FOR REVIEW BY THE PLANNING AND ZONING COMMISSION AT A PUBLIC MEETING; AMENDING SUBSECTION 114-14(C) LOT DIVISION OR RECONFIGURATION BY DELETING THE WORD “AND/” SUCH THAT LAND MAY BE CONVEYED OR IMPROVED; AMENDING SECTION 114-34 BY PROVIDING FOR ELECTRONIC SUBMITTAL OF CONCEPTUAL PLANS, DELETING THE DEVELOPER’S AGREEMENT FROM THE CONCEPTUAL PLAN STEP AND REORGANIZING SUBSECTIONS; AMENDING SECTION 114-35 BY DELETING SUBSECTION (21) DRAFT DEVELOPER’S AGREEMENT AND BY DELETING AN OBSOLETE REFERENCE TO THE FLORIDA ADMINISTRATIVE CODE; AMENDING SECTION 114-36 BY PROVIDING FOR ELECTRONIC SUBMITTAL OF IMPROVEMENT AND CONSTRUCTION PLANS AND PREPARING THE DEVELOPER’S AGREEMENT IN STEP 3; AMENDING SUBSECTION 114-37 BY PROVIDING FOR NEW SUBPARAGRAPH (11) TO REPLACE UNINTENTIONAL REMOVAL AND FOR SUBMITTAL OF THE PROPOSED DEVELOPER’S AGREEMENT; AMENDING SECTION 114-38 BY PROVIDING FOR ELECTRONIC SUBMISSION OF THE FINAL PLAT, SPECIFIED TIME LIMITS, AND RECORDING DOCUMENTS AND FEES; AMENDING SUBSECTION 114-39(B) BY DELETING AN OBSOLETE REFERENCE TO THE FLORIDA ADMINISTRATIVE CODE; AMENDING SUBSECTION 114-39(E) BY PROVIDING FOR A DEVELOPER’S AGREEMENT EXCEPT WHEN CERTAIN CONDITIONS ARE MET; AMENDING SECTION 114-42 BY PROVIDING FOR APPLICATION FORMS AND GUIDELINES TO BE FOUND ON THE CITY OF OCALA WEBSITE; AMENDING SECTION 114-61 BY DELETING OBSOLETE REFERENCES TO THE FLORIDA ADMINISTRATIVE CODE AND TO THE FLORIDA STATUTES; AMENDING SUBSECTION 114-62(F) BY DELETING AN OBSOLETE REFERENCE TO A TAX INCREMENT-FINANCING DISTRICT; AMENDING SUBSECTION 114-62(X) BY DELETING AN OBSOLETE REFERENCE TO THE FLORIDA ADMINISTRATIVE CODE; AMENDING SECTION 114-65 BY PROVIDING FOR THE LATEST EDITION OF THE CITY OF OCALA STANDARD SPECIFICATIONS FOR CONSTRUCTION; AMENDING SUBSECTION 114-66(B) BY PROVIDING FOR THE LATEST EDITION OF THE CITY OF OCALA STANDARD SPECIFICATIONS FOR CONSTRUCTION; AMENDING SECTION 114-92 BY PROVIDING FOR THE CURRENT EDITION OF THE FLORIDA DEPARTMENT OF TRANSPORTATION’S DESIGN STANDARDS AND BY COMBINING SUBSECTIONS (G) AND (H) PROVIDING FOR APPROVAL AND ENFORCEMENT OF SIDEWALK CONSTRUCTION AND BY DELETING SUBSECTION (H); AMENDING SUBSECTION 114-94(B) BY PROVIDING FOR A CROSS-REFERENCE TO PUBLIC SITES

AND OPEN SPACES; AMENDING SUBSECTION 114-96(B)(1) BY PROVIDING FOR LOT DIMENSIONS WHERE CENTRAL WATER AND SEWER FACILITIES ARE NOT AVAILABLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session as follows:

Section 1. That section 114-10 of the Code of Ordinances, City of Ocala, Florida, is hereby amended by adding a subsection to be numbered (h), which subsection reads as follows:

Sec. 114-10. - Subdivision fees.

- (a) City council shall establish by separate resolution a minimum fee schedule for all subdivision charges. All fees shall be deposited in the general fund of the city. No such fees shall be refunded except upon a showing of mistake upon the part of the city. The city council shall have the authority to authorize the refunding of a fee pertaining to this chapter. In case of hardship, the city council may waive the fee.
- (b) No building permit shall be issued nor shall any action be taken on proceedings before the planning and zoning commission and the city council unless and until the required costs, charges, fees or expenses have been paid in full.
- (c) The subdivision fee schedule shall be maintained by city engineering and building departments.
- (d) Where the city attorney has to either review a proposed plat more than twice, or review a proposed developer's agreement more than twice, the developer shall reimburse the city for the reasonable cost incurred by the city for the additional reviews of such documents.
- (e) Where city staff is required to review the Conceptual Plan (Step 2) or the Improvement Plan (Step 3) more than two times an additional fee shall be required. The additional fee shall be equal to the original base fee for the appropriate step and apply to each additional review starting with the third review that results in additional comments to be addressed.
- (f) In addition to the fees adopted by resolution, the developer shall reimburse the city for extraordinary legal fees incurred by the city in reviewing the plat and other materials required to be submitted hereunder, and in preparing the developer's agreement. Such reimbursement shall be in the amount of the reasonable costs incurred by the city for such reviews. City shall notify the developer, prior to incurring such extraordinary fees, that it intends to seek reimbursement for such fees; such notice may result in delaying such review.
- (g) Condominiums shall be reviewed as site plans with fees charged accordingly.
- (h) The recording costs and any reproduction costs associated with the final plat are due and

payable by the developer.

Section 2. That section 114-12 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-12. - Planning and zoning commission and city council.

Prior to city council taking any action hereunder, including variances and approvals, the request shall be considered by the planning and zoning commission at a public meeting, which shall make a recommendation on such action to city council.

Section 3. That subsection 114-14(c) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-14. - Excepted division or reconfiguration of land.

- (c) Applications shall be reviewed by the planning department for compliance with applicable zoning requirements. The city shall issue a letter of approval or denial along with a reason for such denial. An approval letter will include authorization for the division or reconfiguration of land and the land may then be conveyed or improved. An approval letter shall be submitted to the property appraiser's office with all requests for assignment of a new parcel identification number.

Section 4. That section 114-34 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-34. - Conceptual Plan (Step 2) procedure.

- (a) *Preparation of the conceptual plan.* On reaching conclusions informally, as outlined in section 114-32, regarding its general purposes and objectives, the developer will prepare a conceptual plan, together with supplementary material as specified in section 114-35.
- (b) *Submission of the conceptual plan and application.*
- (1) The developer shall submit the conceptual plan using the city's application form and electronic plan submittal system. The plans are distributed to other city departments for review. The city shall notify the developer within 30 days of any discrepancies or changes required in the conceptual plan.
 - (2) Revisions to the conceptual plan and any supplemental materials shall be re-submitted for review. Staff reviews are conducted within 14 working days of the submittal.
 - (3) When no additional corrections are needed, the conceptual plan and any supplementary materials are scheduled for the next planning and zoning commission agenda, provided that the plan and supplementary materials are approved by applicable reviewers at least

10 working days prior to the planning and zoning commission meeting.

(c) *Review*

- (1) *Review by city departments.* The city engineer shall be the agent for reporting in writing to the planning and zoning commission the recommendations, findings or reports of the appropriate city departments to which it refers the materials specified in subsection (b) of this section, together with an analysis of compliance or noncompliance with regulations applicable to the conceptual plan and required supplementary materials.
- (2) *Review by planning and zoning commission.* The planning and zoning commission will receive reports on and review the conceptual plan and required supplementary materials to determine compliance with applicable regulations. The developer, adjoining owners and other persons interested in or affected by the proposed subdivision shall have a right to be heard in person, by letter, or by agent or attorney before action is taken by the planning and zoning commission.

(d) *Approval Process*

- (1) *Action by planning and zoning commission.* The planning and zoning commission may conditionally accept the conceptual plan and approve the required supplementary materials as presented, or with minor modifications, if found to be in compliance with this chapter, or may refuse to accept the conceptual plan and required supplementary materials when not found to be in compliance with, or readily capable of being revised to comply with, this chapter. If the commission refuses to accept the conceptual plan and supplementary materials, the commission shall state in writing the particular basis for the refusal, and a copy thereof shall be furnished the developer.
- (2) *Action by city council.* The action of the planning and zoning commission shall be noted and its recommendation shall be forwarded to the city council. At a regular meeting of the city council, the council shall act on the recommendation of the planning and zoning commission, accepting it, rejecting it or modifying it as may be necessary to comply with this chapter. Any conditions, waivers and variances that are acceptable to city council shall be adopted by resolution. Refer to Sec. 114-10(e) for fees to review additional submittals.
- (3) *Notification of decision.* The action of the city council shall be noted, referenced and attached to any conditions made. One copy shall be returned to the developer and the other retained in the office of the city engineer.
- (4) *Effect of conditional approval.* Conditional acceptance of the conceptual plan and approval of required supplementary materials shall not constitute acceptance of the final plat. Rather, it shall be deemed an expression of acceptance of the layout submitted on the conceptual plan as a guide to the preparation of the construction plans for required improvements, final plat and required supplementary materials.

Section 5. That section 114-35 of the Code of Ordinances, City of Ocala, Florida, is hereby amended, by deleting subparagraph (21) and that the following items are listed in numerical order, to read as follows:

Sec. 114-35. - Conceptual plan (Step 2) contents and supplementary materials.

The conceptual plan shall be at a scale of not smaller than 200 feet to the inch. It shall show or be accompanied by the following information:

- (1) Proposed subdivision name or identifying title, which shall not duplicate or closely approximate the name of any other subdivision in the city.
- (2) Location map showing the location of the tract in reference to other areas of the city.
- (3) North arrow, graphic scale, scale and date; and basis of bearing (desired true bearing).
- (4) Name of the owner of the property or its authorized agent.
- (5) Name of the professional engineer or surveyor responsible for the plat and supporting data.
- (6) Legal description of the property as it appears on the boundary survey.
- (7) Tract boundaries, with angles and distances with at least two corners identified with state plane coordinates.
- (8) Conditions on the tract, including all existing watercourses, drainage ditches and bodies of water, marshes, rock outcrops, isolated preservable trees one foot or more in diameter, and other significant features.
- (9) All existing streets and alleys on or adjacent to the tract, including name, right-of-way width, street or pavement width, and established centerline elevations. Existing streets shall be dimensioned to tract boundaries.
- (10) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established, including any cross-access easements on properties abutting the proposed plat.
- (11) Location, names, where applicable, and width of all proposed streets, alleys, rights-of-way and easements, and the purpose of easements; proposed lot lines with approximate dimensions; lot numbers; and block numbers.
- (12) Ground elevations on the tract, based on NAVD 1988 datum, at minimum one-foot contour intervals.
- (13) Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits

are dry at a depth of three feet; and location and results of soil percolation tests if individual sewage disposal systems are proposed.

- (14) A written statement and graphic representations showing proposed drainage facilities.
- (15) Zoning classifications on and adjacent to the tract.
- (16) Utilities on or adjacent to the tract, including, without limitation, water, sanitary sewer, storm drainage, electric lines, gas mains, communication lines, and cable television lines. The plan shall indicate whether such utilities are above ground or below ground and shall list the names, addresses, telephone number, and contact person of each utility located.
- (17) Sites, if any, to be dedicated or reserved for public use.
- (18) Typical street cross-section, with utility locations, typical lot detail showing location of utility service.
- (19) Present tract designation according to official records in the office of the clerk of the circuit court; names and addresses of owners.
- (20) Statements in accord with section 114-34.
- (21) A boundary survey signed and sealed by a Florida licensed surveyor conforming to the Standards of Practice set forth in the *Florida Administrative Code* (F.A.C.)
- (22) An electronic file in .dwg (or compatible) format.
- (23) Traffic Study in compliance with the city's "Guidelines for: Traffic Statements, Traffic Assessments, and Traffic Studies."
- (24) A tree survey as required by chapter 118 of this code.
- (25) Number of shade trees required to be saved under chapter 118 of this Code.

Section 6. That section 114-36, of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-36. - Improvement and construction plan (Step 3) procedure.

- (a) Step 3 maybe skipped if the proposed development requires no infrastructure improvements, no utility extensions, no waivers and no variances for the development of the project.
- (b) If Step 3 is required, the following procedures apply:
 - (1) *Preparation of improvement and construction plans.* The developer will prepare improvement and construction plans and other supplementary material as specified in section 114-37. The improvement and construction plans may concern only that portion or phase of the approved conceptual plan that the developer plans to develop and construct at such time as well as any additional on-site or off-site improvements that

may be warranted for the phased development of the project.

- (2) *Preparation of developer's agreement.* At this stage, the city engineer and appropriate city departments, shall commence review of a developer's agreement, initially prepared by the developer and submitted to the city in editable electronic format, to include, without limitation, provisions for prosecuting the required construction and improvements to completion, and the developing of the subdivision in stages if the proposed subdivision is a large one and the commission finds that development in stages is consistent with the intent and purpose of this chapter. The developer's agreement shall be recorded in the public records no later than the recording of the final plat.
- (3) *Submission of improvement and construction plans and application.*
 - a. The improvement and construction plans and specified supplementary materials (see Sec. 114-37) shall be submitted electronically to the city within 12 months of the approval of the conceptual plan.
 - b. If the developer fails to do so, the conceptual plan shall become null and void unless a one-year extension of time is applied for in writing and granted by the city engineer or designee. Only one extension shall be allowed.
 - c. The improvement and construction plans must be approved by the city engineer or designee within one year after the submittal of the plans.
- (4) *Review by city departments.* The city engineer shall report in writing to the developer the recommendations, findings, or reports of the appropriate city departments concerning the improvement and construction plan, together with an analysis of compliance or noncompliance with the approved conceptual plan and required supplementary materials, including the proposed developer's agreement.
- (5) *Action by the city engineer.* The city engineer may conditionally accept the improvement and construction plans and approve the supplementary materials as presented, or with minor modifications, if found to be in compliance with this chapter, or may refuse to accept the improvement and construction plans and supplementary materials when not found to be in compliance with, or readily capable of being revised to comply with, this chapter. If the city engineer refuses to accept the improvement and construction plans and supplementary materials, the city engineer shall state in writing the particular basis for the refusal, and a copy thereof shall be furnished to the developer.

Section 7. That subsection 114-37(b), of the Code of Ordinances, City of Ocala, Florida, is hereby amended by adding a paragraph in numerical order to be numbered (24), to read as follows:

Sec. 114-37. - Improvement and construction plan (Step 3) contents and supplementary materials.

- (a) The improvement and construction plans shall be at a scale of not smaller than 1" = 100', for plan sheets and a horizontal scale of not smaller than 1" = 50' and a vertical scale of not smaller than 1" = 5' for all plan and profile sheets.
- (b) Such plans shall show or be accompanied by the following information:
 - (1) Proposed subdivision name or identifying title, which shall not duplicate or closely approximate the name of any other subdivisions in the city.
 - (2) Location map showing the location of the property in reference to other areas of the city.
 - (3) North arrow, graphic scale, scale (horizontal and vertical) and date; and basis of bearing (desired true bearing).
 - (4) Name of the owner of the property or its authorized agent.
 - (5) Name of the professional engineer or surveyor responsible for the plat and supporting data.
 - (6) Property boundaries, with angles and distances.
 - (7) Conditions on the property, including all existing watercourses, drainage ditches and bodies of water, marshes, rock outcrops, isolated preservable trees one foot or more in diameter, and other significant features.
 - (8) All existing streets and alleys on or adjacent to the property, including name, right-of-way width, street or pavement width, and established centerline elevations. Existing streets shall be dimensioned to property boundaries.
 - (9) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established, including any cross-access easements on properties abutting the proposed plat.
 - (10) Cross access improvements on individual subdivision lots may be bonded and completed at the time of site development. The details for construction of the cross-access easement will be shown on the improvement plans.
 - (11) Location, names, where applicable, and width of all proposed streets, alleys, rights-of-way and easements, and the purpose of easements; proposed lot lines with approximate dimensions; lot numbers; and block numbers.
 - (12) Ground elevations on the property, based on NAVD 1988 datum level, at minimum one-foot contour interval.
 - (13) Subsurface conditions on the property; location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of three feet; and location and results of soil percolation tests if

drainage retention areas are proposed.

- (14) A written statement and graphic representations and profiles showing proposed grades of streets, water mains, sanitary sewer mains, storm sewers and drainage facilities.
- (15) Utilities on or adjacent to the property, including, without limitation, water, sanitary sewer, storm drainage, electric lines, gas mains, communications lines and cable television line. This plan shall indicate whether such utilities are above ground or below ground and shall list the names, addresses, telephone number and contact person of each utility located.
- (16) Sites, if any, to be dedicated or reserved for public use.
- (17) Specifications for required improvements such as streets, curb and gutter, water, sanitary sewer, storm drainage, etc. This plan shall include typical street cross-section, sanitary lift station details, water system details and sanitary sewer system details.
- (18) Plan and profile plans of the streets, storm drainage conveyance system, and the sanitary sewer system.
- (19) Street name signs, traffic control signs and pavement markings.
- (20) Copies of applications for all permits required before construction may commence.
- (21) Conditional acceptance pursuant to section 114-36.
- (22) Details for the construction of all off-site improvements required by the traffic study.
- (23) Master plan showing the location of all sidewalks planned to be constructed within the development.
- (24) Proposed developer's agreement.

Section 8. That section 114-38 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-38. - Final plats (Step 4) procedure.

- (a) *Conformance with conceptual plan; phased development.* The final plat shall conform substantially to the conceptual plan as approved. If desired by the developer and approved by the planning and zoning commission and city council, it may constitute only that portion of the approved conceptual plan that the developer proposes to record and develop at the time if such portion conforms to all requirements of this chapter.
- (b) *General procedure.* The final plat and required supplementary material shall be submitted to the city engineer for consideration by the planning and zoning commission, for approval by the city council, and for recording upon fulfillment of the requirements of this chapter and any conditions imposed at the time of conditional approval of the conceptual plan.

(c) *Submission of the final plat and application.*

- (1) An application for final plat shall be submitted to the city. The city shall review the application for completeness and within three (3) working days create the project and transmit to the city's electronic review system. Upon approval and assignment of reviews, plans are reviewed within 20 working days.
- (2) Any revisions to the final plat are reviewed by the city engineer or designee and other city departments within 10 working days.
- (3) When no additional corrections are needed, the plan is scheduled for the next planning and zoning commission agenda, provided that the completed plat is approved by applicable reviewers at least 10 working days prior to the next planning and zoning commission meeting.

(d) *Time limit for submission.* The final plat and required supplementary material shall be prepared as specified in section 114-39 and shall be submitted electronically within 24 months after approval of the improvement and construction plans. Otherwise the conditional approval of the conceptual plan and improvement and construction plans shall expire unless a two-year extension of time is applied for in writing and granted by the city engineer or designee prior to expiration. Only one extension shall be allowed.

(e) *Number of copies.* The original plat mylar, executed by the developer, shall be submitted to the city upon satisfactory completion of both staff and legal review. Any separate instruments to be recorded with the plat shall also be submitted along with the required recording fees. A signed and sealed hard copy of the boundary survey is required.

(f) *Recommendation by planning and zoning commission; action by city council.* The planning and zoning commission shall send its recommendation on the final plat to the city council. The city council shall accept, reject or modify the final plat in conformity with this chapter.

(g) *Disapproval.* Failure to comply with the provisions of this chapter and other applicable statutes and ordinances shall be cause for refusing to accept the final plat.

Section 9. That subsection 114-39(b)(5) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-39. - Final plat (Step 4) form, contents and supplemental materials; acceptance of subdivision.

(b) *Form and contents of final plat.*

(5) The final plat shall contain the following features:

- a. Tracings of boundary lines, right-of-way lines of streets and easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles, with radii, arcs and central angles of all curves, with distances to be accurate to hundredths of a foot and angles to the nearest minute and second.
- b. Location sketch showing the location of the subdivision with respect to section lines.
- c. All street names shall conform to the city system.
- d. A boundary survey signed and sealed by a Florida licensed surveyor conforming to the standards of practice set forth in *the Florida Administrative Code*.
- e. Space and form for the following necessary certifications, acceptances or approvals (copies of required forms are available from the city engineer's office):
 1. Dedication, along with a notary acknowledgement.
 2. Certification by the professional surveyor and mapper.
 3. Approval and acceptance by the city engineer or city's chief professional surveyor and mapper.
 4. Approval and acceptance by the planning and zoning commission.
 5. Approval and acceptance by the city council.
 6. Certification of recordation by the clerk of the circuit court.
 7. Mortgagee's dedication with notary acknowledgement (if applicable), unless a separate instrument joining in and ratifying the plat is utilized pursuant to F.S. § 177.081(2).

Section 10. That subsection 114-39(e) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-39. - Final plat (Step 4) form, contents and supplemental materials; acceptance of subdivision.

(e) *Developer's agreement.*

- (1) Except when meeting the conditions of sec. 114-36(a) and no improvements are required, no plat shall be accepted or approved for recording until the developer shall have entered into an agreement, in form for recording, with the city, specifying the following:
 - a. The work to be done, and the time specified therefor, by the developer.

- b. The variances, if any, recommended and approved by the city council.
 - c. The participation in the development, if any, by the city, and the time for completion of such work.
 - d. The lien, if any, imposed upon the land of the developer for any work performed by the city.
 - e. The conditions under which building permits will be allowed within the subdivision by the city.
 - f. The conveyance by the developer to the city of all water, sewer and storm water lines installed within dedicated public rights-of-way.
 - g. The agreement of the developer to maintain and repair all infrastructure constructed by the developer in the subdivision for a period of one year after completion of the streets and prior to acceptance of maintenance thereof by the city.
- (2) The developer's agreement shall constitute a covenant by the city and the developer-owner of the subdivision; the terms and conditions of which shall run with the land and be binding upon all successors in interest to the developer-owner.

Section 11. That section 114-42 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-42. - Forms and guidelines.

- (a) Application forms for each step of the platting process are available on the City of Ocala website.
- (b) Guidelines for standard language recommended for use on plats (including forms for dedications, executions, acknowledgments, joinders or consents, approvals by the planning and zoning commission or city council, etc.) are available on the City of Ocala website.
- (c) Typical street construction cross-sections are available at the city engineer's office.

Section 12. That section 114-61 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-61. - Monuments.

- (a) Monumentation as defined in Ch. 177, F.S., shall be placed in subdivisions at all block corners, angle points, and points of curves in streets, and at intermediate points as required by this Code.
- (b) Permanent benchmarks, to NAVD 1988 datum, shall be set in each subdivision, in no case less than two and in no case more than 1,400 feet apart, or as required by the city engineer,

either within the tract or on the exterior boundaries thereof, or both, properly referenced, for both construction and future city use. The permanent benchmarks shall be based on NAVD 1988 and meet all the specifications set out in F.S. ch. 177 and shall be approved by the city engineer.

- (c) The location, identification, and type of all monuments shall be indicated on the final plat. All monuments and permanent reference marks shall be of such size, material and length as required by F.S. ch. 177.
- (d) All lot corners shall be monumented. Where the improvements are constructed prior to the platting, the lot corners shall be set after construction and before platting. Where the plat is to be recorded prior to construction and the developer is providing to the city adequate assurance for the construction of the improvements, such assurance shall include the cost of setting the lot corners and the lot corners shall be set after construction and prior to the release of the assurance.
- (e) All original corner markers shall be protected throughout the development. Should such, or any, monuments, iron pipes or iron pins serving as monuments fall within pavements, driveways or sidewalks, they shall be secured to proposed grades by eight-inch concrete pipes with a cast iron cap for access to the original monument. All monuments must be in place before the developer is released from the adequate assurance, if adequate assurance has been provided. If no adequate assurance is provided, monuments must be in place prior to the approval of the final plat. All land monuments with the potential to be disturbed or destroyed in the prosecution of construction shall be accurately witnessed and replaced at the expense of the developer upon the completion of construction.

Section 13. That subsection 114-62(f) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-62. - Storm drainage facilities.

- (f) The storm runoff discharge rate shall be less than or equal to the pre-condition runoff discharge rate for the one hundred-year, 24-hour storm, and all storm runoff from the difference between the post-condition runoff and the pre-condition runoff of a one hundred-year, 24-hour storm event shall be retained on-site unless an agreement is made to use an existing regional drainage retention/detention facility. Any such agreement shall be in perpetuity and recorded in the public records of the county. If a regional drainage facility has been developed in the applicable watershed, the city may require the developer to utilize that facility. If the developer wishes to utilize an existing retention/detention facility that is not permitted as a regional facility, it shall be the responsibility of the developer to re-permit said facility as a regional facility and construct any necessary improvements. Conveyance systems shall be constructed at the developer's expense as needed to maintain the level of service requirements of the city's comprehensive plan. Design calculations for storm sewers,

shall be based on a ten-year, 24-hour design storm. In no case, shall runoff from the site cause any nuisance or flooding to adjacent property.

Section 14. That subsection 114-62(x) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-62. - Storm drainage facilities.

- (x) All surveys shall be signed and sealed by a Florida licensed surveyor and conform to the standards of practice set forth in the *Florida Administrative Code*.

Section 15. That section 114-65 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-65. - Water and sewer facilities.

- (a) Each new or expanded subdivision shall be provided with water and sanitary sewer facilities in accordance with the goals, objectives and policies of the city's comprehensive plan.
- (b) Design and construction of water and sanitary sewer facilities shall be in accordance with the latest edition of the City of Ocala "Standard Specifications for Construction of Streets, Stormwater, Traffic, Water and Sewer Infrastructure" hereafter referred to as "Standard Specifications for Construction" as approved by the city council. Copies of such publication can be obtained from the office of the city engineer.
- (c) Developers of new subdivisions with lots abutting existing water and sewer lines, where no services were provided under the original water and sewer installation, shall be required to provide such services as approved by the city engineer.
- (d) Construction of water and sanitary sewer facilities shall be at the expense of the developer, with no rebates from the city to the developer; provided, however, that where the developer is required to install larger lines or facilities other than necessary to serve its development in order to provide for the future development of other properties, the difference in cost between installing facilities adequate for the subdivision and the oversized lines or facilities shall be borne by the city. The owner shall be reimbursed by the city in five equal annual payments with no interest. The details as far as the methods of payment are contained in the "Standard Specifications for Construction" and shall be outlined in the developer's agreement for the project.
- (e) Where underground water mains and hydrants are to be provided, they shall be installed, completed and in service prior to construction work.

Section 16. That subsection 114-66(b) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-66. - Streets.

- (b) *Paving.* All streets shall be paved and curbed to at least the minimum applicable standard specifications of the city. Copies of typical road cross-sections, including the right-of-way widths, utilities easements and locations, and paving widths, are available from the city engineer's office as set forth in the "Standard Specifications for Construction."

Section 17. That section 114-92 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-92. - Sidewalks.

- (a) *General requirements.* The design and construction of sidewalks in subdivisions shall conform to city engineering department standards, this chapter, and the current edition of the Florida Department of Transportation's Design Standards. The specific design and placement of sidewalks may vary depending upon site conditions; however, the final sidewalk design must be approved by the city engineer during the site plan review process prior to construction. Sidewalk alignment within the street right-of-way should be smoothly curved to avoid specimen trees with a diameter of 12 inches or greater. The sidewalk layout shall be shown on a composite drawing of the entire development as well as on the detailed road construction plans.
- (b) *Individual plots.* All new developments within the city limits will be required to design and construct sidewalks parallel to the streets in which the development has frontage. Developments that are located on corner lots will be required to install sidewalks on all their public street frontages. These sidewalks will be constructed from property line to property line. Previously platted single-family lots will be exempt from this requirement unless this breaks the continuity of the existing sidewalk system.
- (c) *Subdivisions.* All public and private subdivisions will be required to have sidewalks on both sides of all internal roads and on one side of any adjacent external road. All sidewalks must be installed at the time the subdivision improvements are constructed and must be maintained as constructed until a certificate of occupancy is issued for each individual lot.
- (d) *Planned unit development subdivisions.* When designing a planned unit development subdivision, the developer will provide a pedestrian walkway system that separates vehicular traffic from pedestrian traffic. This design should provide for pedestrian circulation throughout the project and not necessarily be limited to street frontages. Design approval will be in accordance with subsection (a) of this section.
- (e) *Right-of-way provisions.* Sidewalks will be placed in the right-of-way of the respective streets. If the street's pavement or improvements extend to the limit of the right-of-way, then the property owner will provide to the city the additional right-of-way for the sidewalk.

- (f) *Payment of costs; maintenance.* The developer will bear the cost for design and construction of the sidewalk. The city will be responsible for perpetual ownership and maintenance of properly constructed sidewalks within the dedicated city right-of-way, after the one-year maintenance period.
- (g) *Final approval.* Sidewalks shall be completed prior to the issuance of a certificate of occupancy and final connection of utilities.

Section 18. That subsection 114-94(b) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-94. - Easements.

- (b) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and of such further width or construction, or both, as will be adequate for the purpose of storm drainage facilities. Parallel streets or parkways may be required in connection therewith where necessary for service maintenance and other measures for safety as may be required. (See also subsection 114-97(c).)

Section 19. That subsection 114-96(b)(1) of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

Sec. 114-96. - Lots.

- (b) *Dimensions.* Lot dimensions shall conform to the requirements of this code and the following:
 - (1) Residential lots, where not served by central water or sewer facilities, shall be at least one and one-half times the width and at least one and one-half times the area required by the minimum zoning requirements for the zoning district in which the land is located:
 - a. but in any case, the lots shall be at least one-half acre in area where neither central water and sewer facilities are available; or
 - b. the lots shall be at least one-quarter acre in area when served with either central water or central sewer.
 - (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

Section 20. Severability Clause: Should any provision or section of this ordinance be

held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 21. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 22. This ordinance shall take effect upon approval by the Mayor or becoming law without such approval.

ATTEST:**CITY OF OCALA**

By: _____
Angel B. Jacobs
City Clerk

By: _____
Justin Grabelle
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2021.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
Robert W. Batsel, Jr.
City Attorney

Ordinance No: 2021-52
Introduced: 5/4/2021
Adopted: 5/18/2021
Legal Ad No: OSB74596 - 5/7/21