

documentation from the applicant as the community development director deems relevant and appropriate under the circumstances.

(Ord. No. 19-32, § 7, 6-27-19)

Sec. 110-177. Vacation of rights-of-way or other public dedications.

The decision to vacate and abandon plat dedicated city or public rights-of-way, easements or other plat dedications to the city or public shall be considered legislative decisions of the city commission. Such decisions by the city commission may be in the form of an ordinance or by way of approval of a replat. The city is not required to vacate and abandon any city or public dedication of right-of-way, easement, development rights, access rights or any other dedication for which the city commission determines: (i) currently serves a public or municipal purpose, (ii) is likely to serve a future public or municipal purpose, or (iii) would adversely affect the interests of lot owners within the applicable subdivision, utility service providers or the general public.

(Ord. No. 19-32, § 7, 6-27-19)

Sec. 110-178. Open space, conservation and golf course tracts.

The city recognizes common law principles that lot owners acquire certain implied easement rights in reliance of purchasing lots within a subdivision with a recorded plat containing dedications and description of uses and purposes of lots, tracts and lands within such plat. Any tract or lands within a plat dedicated for or described as a golf course, open space or conservation shall not be subject to vacation and abandonment to remove the dedicated use or purpose of the golf course, open space or conservation or to permit redevelopment inconsistent with golf course, open space or conservation use without either (i) the prior written consent of all fee simple owners owning a lot within the plat, or (ii) a final judgment of a court of competent jurisdiction binding upon all lot and tract owners within the applicable plat(s) determining that the fee simple owners of lots and tracts within the plat do not have any expressed or implied easement rights in the golf course, open space or

conservation tract. The provisions of this section are supplemental to any other requirements of the general law and city Code concerning the subject matter hereof. Tracts or other portions of a plat dedicated as a golf course are considered open space within the subdivision and provide significant value to all lots and tracts within the subdivision and shall remain maintained and trimmed even if golf course operations cease.

(Ord. No. 19-32, § 7, 6-27-19)

ARTICLE IV. IMPROVEMENTS

DIVISION 1. GENERALLY

Secs. 110-179—110-200. Reserved.

DIVISION 2. DESIGN STANDARDS

Sec. 110-201. Streets.

(a) *Conformity to general plan.* The arrangement, character, extent, width, grade and location of all streets in a subdivision shall conform to the general community plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) *Arrangement when not shown on general plan.* Where such is not shown in the general community plan, the arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- (2) Conform to a plan for the neighborhood approved or adopted by the planning and zoning board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(c) *Minor streets.* Minor streets shall be so laid out that their use by through traffic will be discouraged.

(d) *Subdivisions abutting arterial streets.*

Where a subdivision abuts or contains an existing or proposed arterial street, the planning and zoning board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(e) *Subdivisions bordering on, containing railroad or limited access highway.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the planning and zoning board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Distances involving right-of-way shall also be determined with due regard for the requirements of approach grades and future grade separations.

(f) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the planning and zoning board.

(g) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall be avoided.

(h) *Tangent between reverse curves.* A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

(i) *Curve connecting streets.* When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 150 feet for minor and collector streets, and of such greater radii as the planning and zoning board shall determine for special cases.

(j) *Intersections.* Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 60 degrees.

(k) *Property lines at intersections.* Property lines at street intersections shall be rounded with a radius of ten feet, or of a greater radius where the planning and zoning board may deem it necessary. The planning and zoning board may permit comparable cutoffs or chords in place of rounded corners.

(l) *Right-of-way widths.* Street right-of-way widths shall be as shown in the general community plan and where not shown therein shall be not less than as follows:

<i>Street Type</i>	<i>Right-of-Way Width (feet)</i>
Arterial	80
Collector	65
Minor	50
Pedestrian and service easement	12

(m) *Half streets.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter, and where

the planning and zoning board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(n) *Dead ends.* Dead-end streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet, and a street property line diameter of at least 100 feet.

(o) *Names.* No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning and zoning board.

(p) *Grades.* Street grades, wherever feasible, shall not exceed eight percent or be less than two-tenths of one percent.

(Code 1988, § 19-131)

Sec. 110-202. Alleys.

(a) *Commercial, industrial districts.* In subdivisions, alleys shall be provided in commercial and industrial districts, except that the planning and zoning board may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking, consistent with and adequate for the uses proposed.

(b) *Width.* The width of an alley shall be 20 feet.

(c) *Intersections.* Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(d) *Dead ends.* Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turnaround facilities at the dead end, as determined by the planning and zoning board.

(e) *Residential areas.* Alleys shall be discouraged in residential areas except in circumstances where the planning and zoning board finds extension of alleys from commercial and industrial districts necessary.

(Code 1988, § 19-132)

Sec. 110-203. Easements.

(a) *Utility easements.* For subdivisions, easements across lots, fronts, or centered on rear or side lot lines, shall be provided for utilities where necessary and shall be at least ten feet in total width, unless a wider easement is deemed necessary by the city engineer. In no case shall the width of a utility easement containing an underground pipe or facility be less than that calculated by the following formula:

$$\text{Minimum Easement Width} = (2) \times (\text{Depth of Pipe}) + (\text{Pipe Diameter} + 7')$$

(b) *Drainage easements.* Where a subdivision is traversed by a watercourse, drainageway, channel, pipe, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, drainageway, channel, pipe, or stream, and such further width or construction or both as will be adequate for the purpose, including, without limitation, required maintenance activities. Parallel streets or parkways may be required in connection therewith. Drainage easements between lots containing storm or drainage pipes with an inside diameter larger than 12 inches shall have a minimum width of 30 feet, or larger as determined by the city engineer. In no case shall the width of a drainage easement containing an underground pipe or facility be less than that calculated by the following formula:

$$\text{Minimum Easement Width} = (2) \times (\text{Depth of Pipe}) + (\text{Pipe Diameter} + 7')$$

(c) *Pedestrian and service easements.* Where indicated in the general community plan and in such other areas as the planning and zoning board and developers may agree, pedestrian and service easements shall be provided. Such pedestrian and service easements may include or be included in easements required under this section.

(d) *Use within easements.* Subject to applicable provisions of the code, upon written approval of the city planner and the execution of an approved release and indemnity agreement, fences, walls, landscaping, driveways, and such other non-permanent improvements, as may be determined by the city planner, may be installed, constructed or otherwise placed under, over, and on the easements described in subparagraphs (a) or (b) above by the fee simple owner of the lands subject to said easements. For purposes of this paragraph, swimming pools and buildings shall be considered permanent improvements. The city planner may request that said owner provide a survey depicting the applicable easements and the property boundaries, and a title opinion or such other documentation evidencing that the applicant is the fee simple owner of said lands and may impose such other conditions as may be necessary to protect the purpose of the easement. Notwithstanding the foregoing, any use within said easements shall constitute a license for permissive use only and that the installation, construction or placement of improvements under, over or on said easements shall not operate to create or vest any property rights to any portion of the said easement or otherwise diminish, interfere, or modify the city's use of the said easements or use by other private parties, such as utility companies, to maintain, construct, install or otherwise place or remove improvements within said easements. Further, nothing herein shall be construed as preventing the city from removing or replacing said improvements at the discretion of the city, with or without notice, nor requiring the city to pay any compensation for the improvements therein.

(Code 1988, § 19-133; Ord. No. 05-15, § 2, 2-10-05)

Sec. 110-204. Blocks.

(a) *Generally.* The lengths, widths and shapes of blocks of a subdivision shall be determined with due regard to the following:

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- (2) Zoning requirements as to lot sizes and dimensions.

- (3) Needs for convenient access, circulation, control and safety of street traffic.
 - (4) Limitations and opportunities of topography.
 - (b) *Length.* Block lengths shall not exceed 1,400 feet or be less than 500 feet.
- (Code 1988, § 19-134)

Sec. 110-205. Lots.

(a) *Generally.* For a subdivision, the lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(b) *Dimensions.* Lot dimensions shall conform to the requirements of chapter 118 and:

- (1) Residential lots where not served by public sewer shall not be less than 80 feet wide or less than 10,000 square feet in area.
- (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.

(c) *Corner lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

(d) *Access.* The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

(e) *Double frontage, reverse frontage lots.* Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

(f) *Side lot lines.* Side lot lines shall be substantially at right angles or radial to street lines. (Code 1988, § 19-135)

Sec. 110-206. Cross access corridors and joint use driveways.

(a) *Generally.* The city may require cross access corridors and/or joint use driveways on properties adjacent to arterial, collector, and minor streets as defined in sections 62-26 and 62-27 of the Code. Such requirement may be made in connection with the approval of any subdivision, special exception, site plan, or other development or redevelopment approval within the affected area, or as part of an overall planning program.

(b) *Definitions.*

- (1) *Cross access corridor* shall mean and refer to a service driveway designed in conformance with the standards set forth in the Code and providing vehicular access between two or more contiguous sites so that vehicles need not enter the public street system to access the adjacent property or properties.
- (2) *Joint use driveway* shall mean and refer to a driveway designed and built in conformance with the standards set forth for driveways in this Code and connecting two or more contiguous sites to the public street system.

(c) *Design of cross access corridors.* Cross access corridors shall be designed to provide unified access and circulation among parcels on each block of a city street in such a way as to assist in local traffic movement. Each cross access corridor shall be designed and built to include the following elements:

- (1) A continuous linear travel corridor extending the entire length of the developed portion of the block the corridor serves.
- (2) A design speed of ten miles per hour and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.

- (3) Stub-outs and other design features to make it visually obvious that the corridor serves abutting properties.

- (4) A unified access and circulation system plan that provides for linkage to other cross access corridors in the area and, where the city determines it is feasible, includes mutually coordinated or shared parking areas. All unified access and circulation systems shall be governed by the following provisions:

- a. *Development prior to abutting use.* In the event that a lot, parcel, or site is developed or redeveloped prior to an abutting property, such lot, parcel, or site shall be designed to ensure that its parking, access and circulation will be a functional part of the cross access corridor and joint use driveway.
- b. *Existing abutting uses.* In the event that a lot, parcel or site abuts an existing developed property, the lot, parcel or site shall be so designed as to tie into the abutting parking, access, and circulation to create a unified system unless the city determines that such design would be impractical.
- c. *Design to accommodate service vehicles.* Each unified access and circulation system shall be so designed that the cross access corridor(s), joint use driveway(s), and coordinated parking systems will allow adequate access for service and loading vehicles to each lot, parcel or site.

(d) *Joint use and maintenance.* Wherever a cross access corridor or joint use driveway is required, no subdivision plat, special exception, site plan, or other development or redevelopment shall be approved unless the property owner grants all appropriate easements, running with the land, allowing the cross access corridor and joint use driveways. Furthermore, each applicant for subdivision plat, special exception, site plan approval or other development or redevelopment shall provide such additional easements, agree-

ments, and stipulations as may be necessary to ensure that adjoining properties have joint maintenance responsibilities for such easements. All such easements, agreements, and stipulations required by this paragraph shall provide that they may not be eliminated or restricted without the city's prior written approval and shall be recorded in the public records of Orange County and constitute a covenant running with the land.

(e) *Special provisions concerning tie-ins with abutting properties.*

- (1) *Phased development in same ownership.* Where abutting properties are in the same ownership, no subdivision plat, special exception, site plan or other development or redevelopment shall be approved unless all building sites within the affected area are made subject to the necessary easements, agreements, and stipulations required by this section, which shall be recorded prior to the issuance of any building permits.
- (2) *Leasing situations.* Where individual building site(s) within an overall development or redevelopment site are leased rather than owned in fee-simple, the development or redevelopment site shall be subject to all requirements of this section. The owner of the development or redevelopment site and lessees of building sites and buildings shall be jointly and severally responsible for compliance with these requirements. Failure to comply shall be considered a violation of this chapter subject to enforcement in accordance with division 2, article II of chapter 2 of the City Code. In such cases, citations of violation shall be issued to both the owner of the development or redevelopment site and to all lessees within the affected area.
- (3) *Abutting properties in different ownership.* Where abutting properties are in different ownership, cooperation is encouraged between the various owners but is not required. Only the lot(s), parcel(s), or site(s) under consideration for plat, special exception, site plan or other development or redevelopment approval shall be

required to be subject to the necessary easements, agreements and stipulations required by this section. In the city's discretion, such easements, agreements and stipulations may allow temporary use of a cross access corridor for parking by the subject lot, parcel or site until the abutting property is developed or redeveloped. Abutting properties developed or redeveloped at a later date shall provide unified access and circulation, together with all necessary reciprocal easements, agreements, and stipulations at the time of such later development approvals.

- (4) *Where unified access and circulation is not practical.* The city shall be authorized to modify the requirements of this section where it finds that abutting properties have been so developed or redeveloped that it is clearly impractical to create a unified access and circulation system within part or all of the affected area.

(Ord. No. 07-02, § I, 1-25-07)

Secs. 110-207—110-230. Reserved.

DIVISION 3. REQUIRED IMPROVEMENTS

Sec. 110-231. Generally.

All improvements within subdivisions, whether public or private, must comply with and be installed in accordance with the manual in appendix A to this Code.

(Code 1988, § 19-151)

Sec. 110-232. Extension of utility mains.

Installation of potable water, reclaimed water and sanitary sewer main lines to and adjacent to the subdivisions shall occur in accordance with section 78-2.

(Ord. No. 08-36, § II, 6-12-08)

Secs. 110-233—110-260. Reserved.

DIVISION 4. UNDERGROUND UTILITIES

Sec. 110-261. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

New additions or subdivisions means only those subdivisions or additions to the city for which final plats have not, prior to the effective date of the ordinance from which this division derives, been approved.

Utility means any organization, person, firm, corporation or cooperative furnishing gas, sewer, water, electric, communication or television signal services.

Utility easements means those parcels, strips, areas or other portions of land available for the installation, maintenance, repair and operation of utility facilities.

Utility facilities means all equipment and appurtenances located above or below ground in streets, alleys, utility easements, rights-of-way, properties and ways of the city used or useful in supplying gas, sewer, water, electric, communication or television signal services.

(Code 1988, § 19-175)

Cross reference—Definitions generally, § 1-2.

Sec. 110-262. Findings; adoption of rules and regulations.

(a) The city commission finds and determines that the public interest requires that all new utility facilities to be constructed within all new additions or subdivisions to the city shall, to the extent practicable and feasible, be placed underground within dedicated utility easements in order to promote and preserve the health, peace and safety and general welfare of the public and to ensure the orderly development of all such new additions and subdivisions to the city.

(b) The city commission may, by resolution or amendment, adopt and prescribe rules and regulations governing the installation in dedicated utility easements of all utility facilities, not inconsistent with any franchise or grant, contractual or statutory, of this city or the laws of the state, and

may under the authority of this division delegate authority to the various administrative officers of the city to enforce such rules and regulations. (Code 1988, § 19-176)

Sec. 110-263. Conditions of approval by planning and zoning board.

Any plat for a new addition or subdivision to the city, subject to this division or any amendment to this division, and any authority created under this division shall not be approved by the planning and zoning board unless:

- (1) Such plat shall dedicate utility easements, at least 12 feet in width, contiguous to each lot in such addition or subdivision.
- (2) Such plat shall provide that all new utility facilities shall, to the extent practicable and feasible, be placed underground, it being specifically provided that this division shall not apply to utility facilities above ground existing within any addition or subdivision platted or on which a plat has been approved or which existed prior to the effective date of the ordinance from which this division derives, nor shall it apply to the maintenance, repair or replacement of such existing utility facilities above ground.

(Code 1988, § 19-177)

Sec. 110-264. Specific exceptions.

This division shall not apply to the following aboveground facilities:

- (1) Poles used exclusively for police or fire alarm boxes, traffic control facilities, or any similar municipal equipment installed under the supervision and to the satisfaction of the city manager.
- (2) Thoroughfare street lighting systems on arterial streets or highways designated by the city, and lighting units comprised of poles, standards, luminaries and appurtenant equipment for other street lighting systems and for area lighting, provided that prior to the installation of any such street lighting system the plans therefor,

describing the materials, structural characteristics and other details, shall be submitted to the city manager, who shall thereafter submit the plans, with his recommendations, to the city commission for its approval.

- (3) Radio antennas and associated equipment, including supporting structures. This exception specifically does not include facilities extending to and from such equipment.
- (4) Temporary utility facilities used for supplying services to new construction, or for maintaining services during periods of restoration or replacement.
- (5) Electric transmission lines, feeder lines, substations and switching stations; provided, however, that the plans and routing of all feeder lines shall be submitted to the city manager, who shall thereafter forward such, with his recommendations, to the city commission for approval.
- (6) Electric service terminals in pedestals, enclosed pad-mounted distribution transformers, riser facilities for connecting distribution lines to feeder lines.
- (7) Gas system field line terminals; pressure reducing, regulating, odorizing and metering stations housed in surface masonry structures, serving meters and regulators 1½ inches maximum size and eight ounces maximum pressure where located in the rear of properties served.
- (8) Service equipment and connections mounted against walls of buildings being served, including gas risers, electric risers and meters, and communication or television risers and terminals.

(Code 1988, § 19-178)

Sec. 110-265. General exceptions.

The authority to approve additional exceptions not specifically set forth in this division shall be reserved to the city commission. The city commission shall hear and pass on applications, submitted by the utility entity involved or concerned, for