

ORDINANCE NO. 442

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 54, SUBDIVISIONS, PLATTING AND REQUIRED IMPROVEMENTS, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING SECTIONS 54-5(1) AND 54-6(A) 1, 2 AND 12, TO CLARIFY THAT THE MINIMUM PAVEMENT WIDTH FOR ROADS WITHIN ANY SUBDIVISION SHALL BE 20 FEET EXCEPT THAT A PRIVATE ROAD SERVING NO MORE THAN TWO ABUTTING LOTS MAY HAVE A PAVEMENT WIDTH OF 15 FEET AND RIGHT-OF-WAY OF 32 FEET IF APPROVED BY THE TOWN COUNCIL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR 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 desires to amend its Subdivision Ordinance to clarify the right-of-way and pavement widths required for private roads; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council finds that this Ordinance is consistent with the requirements of the Comprehensive Plan and Zoning Code; and

WHEREAS, the notice and hearing requirements of the Code and Florida law have been met for adoption of this Ordinance; and

WHEREAS, the Town Council has determined that the adoption of these regulations would further the public's health, safety and general welfare.

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

Section 1. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Code Amendments. Chapter 54, Subdivisions, Platting and Required Improvements, is hereby amended 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, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. 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.

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

PASSED AND APPROVED ON FIRST READING this 17th day of November, 2016.

THE SECOND AND FINAL READING was held this 15th day of December, 2016. Council member Uptegraph offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member Plyler, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor
LAWRENCE GORDON, Vice Mayor
MARK C. UPTOGRAPH, Council Member
JO H. PLYLER, Council Member
REMAR HARVIN, 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 442

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 minor 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, and 32 feet for a private road serving no more than two abutting lots in a subdivision.

- 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.

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, whether intended for dedication to the town or reservation for private use and maintenance, 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 provided an acceptable amount of easement area is dedicated for utilities, or 32 feet for a private road serving no more than two abutting lots in a subdivision. 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, with prior approval by the town, be utilized for legal access to a group of not more than two abutting lots situated on a residential access street where said lots would otherwise have no reasonable means of obtaining direct access to or required frontage on

~~the adjacent residential access street. 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 right-of-way and pavement width requirements.~~

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.

(12) Pavement widths. ~~Pavement widths for streets shall be in accordance with town codes and standards.~~ 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 15 feet. However, nothing herein shall prevent the town council from requiring a wider pavement.