



May 26, 2021

TO: Mayor Jerry L. Demings
— AND —
County Commissioners

FROM: Diana M. Almodovar, P.E., Deputy Director
Public Works Department

**CONTACT PERSON: Alissa Barber Torres, PhD, FAICP, CLTD, Chief Planner
Transportation Planning Division
(407) 836-7762**

SUBJECT: June 8, 2021 – Work Session
Proposed Amendments to Orange County Code
Chapters 21, 30, 34, and 35

A handwritten signature in black ink, appearing to read "DMA", located to the right of the "FROM:" field.

The Public Works Department has completed two draft ordinances proposing various amendments to four chapters of Orange County Code. Staff will present an overview of all proposed amendments and the public outreach process.

The first ordinance includes revisions to Chapters 21 and 35 to address right-of-way utilization, changing transportation technologies, and recent statutory changes. Proposed amendments, if approved, would update County permitting standards for rights-of-way to reflect current practices and needs, address landscaping and irrigation within rights-of-way, improve the safety practices of solicitation in rights-of-way, reflect recent statutory changes related to all-terrain vehicles and electric bicycles, and address personal delivery devices (delivery robots) and electric personal assistive mobility devices consistent with statutory provisions.

The second ordinance includes updates to Chapters 30 and 34 of the Orange County Code regarding curb zone management, waste/recycling collection and storage containers, and plat approval and recording. Proposed amendments, if approved, would accommodate changing travel and consumer behaviors through curb zone management, prohibit waste collection/recycling containers and temporary portable storage containers from being placed in County rights-of-way to respond to current enforcement concerns, and update platting requirements.

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To obtain public input, staff presented proposed Code amendments to the County's Sustainability Advisory Board and Development Advisory Board. Staff also held a Developer's Forum meeting on January 14, 2021, and distributed drafts of proposed amendments to 16 community and professional associations, including the Florida Bicycle Association, for review and comments.

The Planning and Zoning Commission/Local Planning Agency found proposed Code amendments to be consistent with the Orange County Comprehensive Plan at their March 18, 2021, meeting.

This is an informational item only, and no action will be requested.

DMA/abt

Attachments

- C: Jon V. Weiss, P.E., Director, Planning, Environmental and Development Services Department
- Joseph Kunkel, P.E., Director, Public Works Department
- Dale Mudrak, P.E., Interim Manager, Development Engineering Division
- Alissa Barber Torres, PhD, FAICP, CLTD, Chief Planner, Transportation Planning Division

ORDINANCE NO. 2021-____

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, RELATED TO THE USE OF COUNTY FACILITIES, ROADWAYS AND RIGHTS-OF-WAY BY AMENDING THE ORANGE COUNTY CODE CHAPTER 21 (“HIGHWAYS, BRIDGES AND MISCELLANEOUS PUBLIC PLACES”), ARTICLE I (“IN GENERAL”), ARTICLE VI (“RIGHT-OF-WAY UTILIZATION REGULATIONS”) AND ARTICLE VII (“SOLICITATION IN PUBLIC RIGHTS-OF-WAY”); CHAPTER 35 (“TRAFFIC”), ARTICLE I, (“IN GENERAL”) AND ARTICLE IV (“ALL TERRAIN VEHICLES”); CREATING ARTICLE VI (“PERSONAL DELIVERY DEVICES, MOBILE CARRIERS, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES”) AND ARTICLE VII (“ELECTRIC BICYCLES”); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amendments; In General. Chapter 21 (“Highways, Bridges and Miscellaneous Public Places”) and Chapter 35 (“Traffic”) of the Orange County Code are amended as set forth in Section 2 and Section 3 below, respectively, with additions being shown as underlines and deletions being shown as ~~struck through~~:

Section 2. Amendments to Chapter 21, Highways, Bridges and Miscellaneous Public Places. Chapter 21 (“Highways, Bridges and Miscellaneous Public Places”), Article I (“In General”), Article VI (“Right-of-Way Utilization Regulations”) and Article VII (“Solicitation in Public Rights-of-Way”), of the Orange County Code is hereby amended by the following changes to Sections 21-2, 21-173, 21-175, 21-196, 21-198, 21-200, 21-205, 21-206, 21-207, 21-233, 21-

34 235, 21-237, 21-238, 21-240, 21-262, 21-263, 21-264, and 21-265, and the creation of Section 21-
241:

36 A. Chapter 21, Article I (“In General”), Section 21-2 is amended as
follows:

38 **Sec. 21-2. Naming and renaming roads.**

40 Pursuant to Section 336.05, Florida Statutes, the Board
42 of County Commissioners is hereby given the authority
44 authorized to name and rename streets and roads, except state roads
46 designated by number by the Florida Department of Transportation
including state roads, located within the boundaries of the county
and lying outside the boundaries of any incorporated municipality.

B. Chapter 21, Article VI (“Right of Way Utilization Regulations”),
48 Section 21-173 is amended as follows:

50 **Sec. 21-173. Definitions.**

52 The following words, terms and phrases, when used in this
54 article, shall have the meanings ascribed to them in this section,
56 except where the context clearly indicates a different meaning. The
58 definitions listed in Section 21-176 ~~the applicable supporting~~
~~regulations~~ also apply.

60 *Drainage easement* shall mean land in which the public or the
62 county has an easement devoted to, planned, proposed or required
64 for use as a public drainage system.

66 *Emergency repairs* shall mean work necessary to protect and
68 preserve life and property of inhabitants, businesses, and/or visitors
70 of the county.

72 *Facility, for purposes of these regulations,* shall mean a
structure which has been and/or is being placed and maintained
along, across, on or under any road right-of-way within the
jurisdiction of the county, including but not limited to any electric
transmission, telephone, ~~cablevision,~~ or ~~telegraph~~
telecommunication lines; pole lines; poles; small cell wireless or
other telecommunications equipment; railways; ditches; sewers;
water, heat, or gas lines; heat or gas mains; pipelines; wells; fences;
gasoline tanks and pumps; irrigation; landscaping; signage (except

74 off-site directional signs as permitted under Chapter 31.5); or
75 specialty paving.

76
77 *Right-of-way* shall mean land in which the county owns the fee
78 or has an easement devoted to, or required for, the use as a
79 transportation facility such as a public road.

80
81 *Road* shall be construed to include streets, sidewalks, shared use
82 paths and paved trails within rights-of-way of streets, alleys,
83 highways and other ways open or unopened to travel by the public,
84 including the roadbed, right-of-way, and all culverts, drains, sluices,
85 ditches, water storage areas, waterways, embankments, slopes,
86 retaining walls, bridges, tunnels and viaducts necessary for the
87 maintenance of travel.

88
89 *Sidewalk/bike path.* See "Road."

90
91 *The traveled way* shall mean the paved portion of the roadway
92 or that surface between both edges of pavement or back of curb,
93 including, but not limited to, turn lanes, parking lanes, deceleration
94 and acceleration lanes, or twelve (12) feet from centerlines of the
95 rights-of-way of unpaved roads.

96
97 C. Chapter 21, Article VI ("Right of Way Utilization Regulations").

98 Section 21-175 is amended as follows:

99 **Sec. 21-175. Stipulations.**

100 * * *

101
102 (d) ~~Removal and/or relocation of facilities (including~~
103 ~~but not limited to landscaping, signage and paving).~~ Any facility
104 heretofore or hereafter placed upon, under, over, or along any
105 public road right-of-way that, in the opinion of the county,
106 unreasonably interferes in any way with the convenient, safe, or
107 continuous use, or the maintenance, improvement, extension, or
108 expansion, of such public road or appurtenant structures thereto
109 shall, upon thirty (30) days' written notice to the owner of the
110 facility or its agent, or upon legal notice published in not less than
111 two (2) weekly issues of a newspaper of general circulation in the
112 county, be removed or relocated, and the right-of-way shall be
113 restored to its original condition by, and at the sole expense of,
114 such facility owner (or its agent). The failure of ~~a~~ the utility owner
115 of the facility, property owner, property or homeowners
116 association, or its agent to remove or relocate such facility after the
117 required notice shall absolve the county from any liability or

responsibility for damages or costs that may arise or be incurred as a result of the county's removal of any such utilities facility.

D. Chapter 21, Article VI (“Right of Way Utilization Regulations”),

Section 21-196 is amended as follows:

Sec. 21-196. Application.

* * *

(d) At the discretion of the County Engineer, the applicant for a project may be required to obtain separate permits when an application is submitted, based on project length or complexity, functional classification, number of roadway facilities affected, utility needs, maintenance of traffic, or other relevant factors.

E. Chapter 21, Article VI (“Right of Way Utilization Regulations”),

Section 21-198 of the Orange County Code is amended as follows:

Sec. 21-198. Notification to other agencies.

(a) The applicant shall notify in writing or via electronic means or systems all other right-of-way users and municipalities in the immediate vicinity of the proposed construction/installation locations, stating the work proposed by the applicant, and enclosing a plan of the proposed construction/installation in order to determine if there are any objections to the proposed construction/installation. Any objections to the applicant's proposed construction/installation by affected right-of-way users or municipalities must be forwarded in writing or via electronic means or systems to the applicant and the eCounty eEngineer's office within seven (7) days of the date of the applicant's letter notifying such user or municipality of the proposed work. Except as herein provided, the eCounty eEngineer will hold a permit application for a period of seven (7) days only, to allow time for the receipt of objections to the proposed use of the right-of-way. For the purpose of expediting the handling of a permit application, the seven-day period may be shortened by including with the permit applications a separate statement or letter that the other affected right-of-way users have been notified and that such users have no objections to their immediate issuance of the right-of-way utilization permit for the proposed construction.

160 (b) The applicant shall verify the notification to other
162 users by completing the section provided in the application for such
164 verification. It is the full and complete responsibility of the applicant
166 to determine that all other users are notified of the proposed work.
Any work performed without such notification shall be at the sole
risk of the applicant.

168 (c) ~~Pursuant to the provisions of F.S. § 553.851, a~~The
170 ~~applicants will indicate on the permit application the gas shall~~
172 ~~comply with all notification number immediately following the gas~~
174 ~~company's name. No provisions of all applicable federal and state~~
176 ~~regulations, including, but not limited to, Chapter 556, Florida~~
178 ~~Statutes, known as the Underground Facility Damage Prevention~~
and Safety Act. No right-of-way utilization permit for excavation
of in the right-of-way will~~shall~~ be issued until the applicant has
certified his compliance with F.S. § 553.851(2)(a) and (c). until the
applicant has verified compliance with Chapter 556, Florida
Statutes, and any notification that may be required by the County to
address other utility needs.

180 F. Chapter 21, Article VI (“Right of Way Utilization Regulations”), Section

21-200 is amended as follows:

182 **Sec. 21-200. Fees.**

184 (a) Fees for right-of-way utilization permits shall be set by
186 the ~~b~~Board of e~~County e~~Commissioners and, except as provided
188 herein, shall be paid by the applicant upon submission of the permit
application.

190 (b) Checks, money orders, cash or other ~~acceptable~~ forms of
192 payment ~~determined acceptable by the County will~~shall be payable
194 to the ~~b~~Board of e~~County e~~Commissioners for the exact fee amount.
Payment shall be made at the ~~county engineering office~~Public
Works Department or via electronic means acceptable to the
County.

196 (c) Work commenced without a permit ~~will~~shall incur a late
198 charge fee as prescribed by the ~~b~~Board of e~~County e~~Commissioners, ~~except for E~~emergency repair work authorized by
the Public Works Department is excluded from this fee.

202 [Rest of page intentionally blank]

204 G. Chapter 21, Article VI (“Right of Way Utilization Regulations”),
Section 21-205 is amended as follows:

206 **Sec. 21-205. Duration, extensions.**

208 Every permit issued by the ~~engineering~~ Public Works
210 Department under the provisions of this division shall become null
and void if the work authorized is not commenced within ~~sixty (60)~~
212 ~~days of the scheduled start date, or~~ one hundred twenty (120) days
of the permit approval date, or is not completed within one ~~(1)~~ year
214 from the date of issuance of the permit. If work has already
commenced within ~~the sixty day~~ this period, and the one-year
216 expiration date arrives, the permit will be automatically extended for
a singular period of not more than six (6) months. The permit shall
218 also become null and void; if the work authorized by such permits
is suspended or abandoned for a period of ninety (90) days, at any
220 time after the work is commenced, except for delays caused by acts
of God, or other causes beyond the permittee's control. Before such
222 work can recommence again ~~or be commenced~~ or completed, a new
permit must first be applied for and obtained in the same manner as
224 for an original permit. Permit fees for the work to be done will be
assessed as for an original permit. ~~A singular extension, u~~ Up to two
226 consecutive one (1)-year extensions, may be granted upon written
request of the contractor, at the discretion of the ~~eCounty e~~ County Engineer.

228 H. Chapter 21, Article VI (“Right of Way Utilization Regulations”),
Section 21-206 is amended as follows:

230 **Sec. 21-206. Modifications.**

232 A ~~L~~etter request for modification of a permit ~~will~~ shall be
234 processed in accordance with the provisions of ~~s~~ Section 21-198. ~~The~~
~~letter requesting modification must contain the appropriate gas~~
236 ~~company's name, the gas notification identification number, and to~~
~~expedite processing, a statement that the other right-of-way users~~
238 ~~have no objection to the requested modification.~~

240 [Rest of page intentionally blank]

242 I. Chapter 21, Article VI (“Right of Way Utilization Regulations”).

Section 21-207 is amended as follows:

244 **Sec. 21-207. Responsibility for compliance.**

246 The applicant assumes full and total responsibility for
248 compliance with this article, supporting regulations, additional
250 requirements of the Board of County Commissioners, any
252 municipal, county, state or federal laws, ordinances, or other
254 directives which may apply to the proposed work. In the event of
any damages caused by an applicant, contractor, and/or
subcontractor(s), the applicant shall be responsible for completion
of all necessary repairs and retrofits within thirty days from receipt
of notice from the County. An extension may be granted at the
discretion of the County Engineer. If repairs and retrofits are not
completed timely by the applicant in accordance with this section,
the County may complete all necessary repairs and retrofits to
County standards and the applicant shall be responsible for
reimbursing the County for the costs within ninety days or as
otherwise directed by the Public Works Director. If the applicant
does not reimburse the County within the requisite period of time,
the County may pursue any remedies that it deems appropriate.

264 J. Chapter 21, Article VI (“Right of Way Utilization Regulations”).

Section 21-233 is amended as follows:

266 **Sec. 21-233. Construction standards.**

268 (a) *Compliance.* All street, curb, sidewalk, driveway
270 curb, etc., construction shall be in accordance with the county road
272 construction specification standards, Sec. 21-176, chapter 34, and
this article.

274 (b) *Piping.* ~~Approved pipe for used~~ in county right-of-
276 way shall be selected based on the latest edition of the county road
construction specifications. Appendix N contained in this article and
incorporated by reference into the Code is furnished for information
and guidance.

278 (c) *Sanitary sewer, reclaimed water, and water*
280 *installation.* All work, with the exception of backfill and
282 compaction, shall be in accordance with current the county
standards and specifications for sewerage and water facilities the
latest edition of the Orange County Utilities Standards and

284 Construction Specifications Manual. Backfill and compaction shall
285 be in accordance with the county road construction specifications.

286
287 (d) *Gas lines*. ~~The provisions of the National Standard~~
288 ~~Code for Pressure Piping as adopted by~~ Construction of gas lines
289 shall be consistent with all applicable regulations and guidance of
290 the U.S. Department of Transportation's Pipeline and Hazardous
291 Materials Safety Administration and the Florida Public Service
292 Commission, including the Natural Gas Safety Rules ~~apply~~.

293
294 (e) *Overhead installations*. All overhead installations
295 will comply with the current standards established by the state
296 ~~d~~Department of ~~t~~Transportation. Poles or other structures to support
297 aerial installations shall be installed at the right-of-way line, or as
298 close to the right-of-way line as practical.

299 (f) *Buried utility lines*. Buried utility lines shall be
300 subject to the following:

301
302 (1) Minimum vertical clearance for direct buried
303 cable, conduit casings, utility lines, and duct systems ~~is~~ shall be
304 thirty-six (36) inches below the road surface and thirty (30) inches
305 below existing ground.

306
307 (2) Casings:

308
309 a. Casings ~~will~~ shall be required for
310 crossing of underground utilities under existing pavement, where
311 the carrier conduit is of insufficient strength due to composition or
312 depth of cover.

313 b. Casings ~~will~~ shall be required for
314 crossing under existing pavement where the carrier is such
315 composition that it cannot be installed in accordance with section
316 21-233. Any request for an exception to the foregoing requirements
317 must be fully justified in writing or via electronic means or systems
318 by the applicant.

319 c. Casings or conduits, for crossings of
320 planned or proposed roads, in planned rights-of-way, that are to be
321 installed during the road construction by the road contractor, will
322 not require a separate permit; however, they shall be installed in
323 accordance with these regulations. If these crossings are to be
324 installed by someone other than the road contractor, separate
325 permitting is required, and a permit for such installation must be
326 obtained.

327
328 (g) *Storm drainage structures*. Installation of storm
329 drainage structures shall be done in accordance with the county
330

332 subdivision regulations, the county road construction specifications,
and this article. Backfill and testing requirements shall be in
334 accordance with the county road construction specifications, these
regulations, and the permit requirements.

336 (h) *Backfill and compaction.* Backfill and compaction
shall be done in accordance with the county road construction
338 specifications and permit requirements.

340 (i) *Traffic signals.* Utilities or contractors working at
intersections where traffic signals are located must contact the
342 county traffic signal shop for location of underground signal wiring,
both within the roadway and right-of-way, before commencing
344 work. Damages incurred to signal wiring will be the responsibility
of the permittee. Repairs may be made by contract personnel, but
346 must be made with the concurrence and under the requirements as
set forth by county signal maintenance. In some instances, repairs
348 may be made by the county, with total costs billed to the permittee.

350 (j) *Traffic signs.* When traffic signs are located within the
area of approved installation of construction, the permittee ~~is~~shall
352 be required to notify the eCounty tTraffic eEngineer sign shop in
writing or via electronic means or systems to arrange for removal
354 and/or relocation. Costs incurred by the county for the removal and
resetting, or relocation of signs, ~~will~~shall be billed to the permittee.

356 (k) *Pavement markings.* Pavement markings shall be subject
358 to the following:

360 (1) Utility companies or contractors ~~having~~
~~permitted that permit~~ installation or construction within paved
362 sections of roadways that disturb or destroy ~~current~~ pavement
markings shall be required to replace such pavement markings with
364 approved reflectorized paint or plastic marking material and to
restore such markings to their original condition.

366 (2) When new turn, bypass, deceleration and/or
368 acceleration lanes are constructed in accordance with eCounty
eEngineer-approved plans, a striping plan shall be submitted for
370 approval by the County tTraffic eEngineer. Striping shall be
accomplished by the developer in accordance with the approved
372 plans.

374 (l) *Jetting.* Jetting, except for hydraulic compaction, or
tunneling within county rights-of-way ~~is~~shall be prohibited.
376

378 (m) *Fiber optic cable.* Except as otherwise provided by
law, ~~Installation of fiber optic cable will~~shall not be permitted
380 unless an ~~appropriate legal~~ agreement has been entered into with
and ~~approved by the Board of County Commissioners.~~

382 (n) *Faulty workmanship or materials and/or required*
384 *repairs during construction.*

386 (1) Faulty workmanship or materials shall be
repaired and/or replaced by the permittee within thirty (30) days of
388 receipt from the county's ~~of~~ notification of such defects. Such
repairs and/or replacement must be completed to the satisfaction of
390 the county, so as to render the subject construction in a like or better
condition than that existing prior to the commencement of such
392 construction.

394 (2) Any repairs or replacement not completed within
the thirty-day time limit by the permittee shall, during the period of
396 noncompletion, be considered justifiable grounds for the county to
refuse to issue other right-of-way permits to the permittee.

398 K. Chapter 21, Article VI ("Right of Way Utilization Regulations"),

400 Section 21-235 is amended as follows:

402 **Sec. 21-235. Inspection.**

404 (a) The permittee shall notify the ~~county engineering~~
Public Works Department in writing or via electronic means or
406 systems at least ~~twenty-four (24) hours~~ two business days prior to
beginning work, and prior to commencing any subterranean road
408 crossing, whether by open cutting, boring, jacking, pushing, pulling,
driving, or some combination of these. The date, time and location
410 regarding these scheduled subterranean crossings must be given at
the time of this notification. The engineering inspector will normally
412 visit the site on which the work is to start. The inspector may check
materials at this time.

414 (b) Underground facilities (buried cable, water lines,
etc.) ~~will~~shall not be covered until approved by the inspector. Cable
416 facilities need not be left exposed when buried by the direct burial
process when the contractor has demonstrated his or her capability
418 of competence of construction standards. The county reserves the
right to require exposure of installation to inspect correct depth of
420 cover.

422 (c) Backfill, pavement cuts, restoration, testing, etc.,
424 will be inspected as outlined in the applicable section of this article.

426 (d) Failure of the permittee to obtain the appropriate
428 inspections prior to proceeding with work shall not relieve the
430 permittee from re-excavation or other measures necessary for the
432 inspection of the work.

434 (e) Any and/or all items found not to be in compliance
436 with this article ~~will~~shall be immediately corrected by the permittee.

438 (f) The permit shall be available at the job site and the
440 inspector shall ~~date and initial the permit during inspection
442 visits~~document inspection visits in the permit records.

444 (g) The inspector's signature on the completion line on
446 the permit or issuance of a certificate of completion terminates ~~that~~
448 the permit, and no further work may be done under such permit,
450 except repairs as may be directed by the eCounty eEngineer.

452 L. Chapter 21, Article VI ("Right of Way Utilization Regulations").

454 Section 21-237 is amended as follows:

456 **Sec. 21-237. Restoration and cleanup.**

458 (a) The permittee shall ~~i~~ensure that all monuments,
460 section corners and property marks shall be protected and
462 perpetuated in accordance with Chapter 34 of the Orange County
464 Code and Chapter 177, Florida Statutes, as well as other applicable
466 state and County standards~~Appendix P.~~

468 (b) The permittee shall be liable for all damage, injury
470 and/or loss to persons or property of any character arising from or
472 resulting from any act of commission, omission, neglect or
474 misconduct in the performance of work by the permittee, his or her
476 employees or agents. The permittee shall be further liable for
478 damage, injury and/or loss to persons or property arising from or as
480 result of defective work or materials.

482 (c) Where any work disturbs the area outside the
484 roadway, the permittee shall ~~i~~ensure that the area is completely
486 restored in a manner acceptable to ~~the~~ county. Sod that is removed
488 shall be replaced with the same type. Unsodded areas shall be graded
490 and then seeded and mulched in accordance with county road
492 construction specifications. The permittee ~~is~~shall be responsible for

468 establishing a dense stand of permanent-type grass within a
470 reasonable time. Shrubbery that is removed or destroyed shall be
472 replaced with equal types and sizes. Grassing and mulching
474 operations ~~are~~ shall begin immediately after
476 construction/installation has been completed. All trees and/or
478 shrubbery damaged or disturbed during construction shall be
480 replaced by the permittee at his or her expense, as directed by the
482 eCounty eEngineer. Any plantings by property owners shall be
484 removed and replaced to the satisfaction of the eCounty eEngineer
486 and property owner. All debris shall be removed by the permittee at
488 his or her expense.

480 (d) Existing utilities and infrastructure that are damaged,
482 destroyed or temporarily removed by the permittee shall be replaced
484 or repaired by the permittee at the direction of the owner ~~with~~
486 expense to the county or owner within thirty (30) days or other time
488 period as determined by the County Engineer.

486 (e) The permittee shall ~~insure~~ ensure that work site cleanup
488 and property restoration follows construction/installation operations
490 without delay. In order to maintain an acceptable site, debris and
492 waste material shall be removed from the site immediately and daily
494 trenching shall be coordinated to provide a minimum overnight
496 trench opening. Site maintenance, along with ongoing cleanup and
498 final property restoration shall be subject to the direction and
approval of the eCounty eEngineer.

494 (f) The permittee may be required to post as surety a
496 letter of credit or cash escrow with the Board of County
498 Commissioners in a form acceptable to the County at the discretion
of the County Engineer.

M. Chapter 21, Article VI (“Right of Way Utilization Regulations”),

500 Section 21-238 is amended as follows:

502 **Sec. 21-238. Safety and convenience.**

504 (a) The safety provisions of applicable federal, state, and
506 local laws, ordinances, rules, regulations, building codes and
508 construction codes, as amended, shall be observed. Machinery,
510 equipment and other hazards shall be guarded in accordance with
the safety provisions of the current edition of the Manual of
Accident Prevention in Construction published by the Associated
General Contractors of America, to the extent that such provisions
~~are not in contradiction with~~ do not contradict applicable laws.

512 (b) The permittee ~~will~~shall take all reasonable
514 precautions for and be responsible for initiating, maintaining and
516 supervising all programs relating to the safety of all persons and
518 property affected by or involved in the performance of his or her
work under a right-of-way utilization permit. The permittee
~~will~~shall take all reasonable precautions to prevent damage, injury
or loss to:

520 (1) All persons who may be affected by the
522 performance of his or her work, including employees.

524 (2) All materials and equipment at the work site
location.

526 (3) All property at or surrounding the work site.

528 In any emergency affecting the safety of persons or
530 property, the permittee ~~will~~shall act with reasonable care and
discretion to prevent any threatened damage, injury, or loss.

532 N. Chapter 21, Article VI (“Right of Way Utilization Regulations”).

534 Section 21-240 is amended as follows:

Sec. 21-240. Landscaping and irrigation systems.

536 (a) *General requirements.* Landscaping and irrigation
538 system ~~for work coming~~ under this article shall conform to the
provisions of this section.

540 (1) Installation of any landscaping and irrigation
542 systems and/or related materials within dedicated or planned public
rights-of-way ~~is~~shall be prohibited without the express approval of
544 the ~~Board of~~County Commissioners. Landscaping and irrigation
systems shall be depicted on approved subdivision construction
546 plans, or a separate engineering permit (E-permit) for proposed
improvements shall be required. This aApproval shall be based on
548 acceptance and recording of a use agreement and issuance of a right-
of-way utilization permit authorizing such installation or
550 construction. Maintenance of any of the aforementioned projects
~~will~~shall be the responsibility of the signatory to the use agreement
552 signatories with the County.

554 (2) Instructions for completion and submission
of the right-of-way utilization permit application are contained in

556 section 21-196. The County also may require compliance with all
558 notification provisions of all applicable federal and state regulations,
including, but not limited to, Chapter 556, Florida Statutes, the
560 Underground Facility Damage Prevention and Safety Act.

562 (3) A use agreement form and right-of-way
564 utilization permit application ~~is~~ are available from the ~~e~~County
~~e~~Engineer and must be submitted for approval prior to any
construction or installation of landscaping or irrigation systems.

566 (4) ~~Men Workers and/or~~ equipment maintaining
568 any authorized landscaping or irrigation systems must perform such
~~in a manner so as not to create safety hazards or~~
~~obstruct vision or normal traffic flow~~ consistent with a County-
570 approved Maintenance of Traffic Permit. (Reference: Manual on
Traffic Control and Safe Practices.)

572 (5) ~~If, in the opinion of the county~~
574 ~~engineer,~~ damages in or adjacent to the right-of-way, ~~are~~
~~deemed~~ determined by the County Engineer to have been caused by
576 construction of a landscaping or irrigation system, restoration
~~will~~ shall be the responsibility of the ~~right-of-way utilization~~
578 ~~permittee~~ during and after construction, and for the length of the
required warranty period as expressed in section 21-208.

580 (b) *Landscaping.* Landscaping under this section shall
582 be subject to the following:

584 (1) No landscaping, or improvement to existing
586 landscaping, shall be authorized, or authorized to be planted or
constructed, within the right-of-way, unless:

588 a. a use agreement has been approved
590 by the Board of County Commissioners and recorded, and
landscape construction plans have been approved by the ~~e~~County
~~e~~Engineer, and

592 b. a valid right-of-way utilization permit
594 has been authorized by the bBoard of ~~e~~County ~~e~~Commissioners and
issued by the ~~e~~County ~~e~~Engineer, and

596 c. a Maintenance of Traffic Permit has
598 been issued.

600 (2) ~~Landscaping in a median island and within~~
~~one hundred (100) feet of either nose shall be installed at, and~~

602 ~~maintained at a maximum height of twenty four (24) inches above~~
603 ~~road grade centerline. Normally trees will not be authorized to be~~
604 ~~installed in medians, unless clear recovery zone and clear sight~~
605 ~~distance requirements will allow installation without violation~~
606 ~~thereof.~~

608 (3) A four-foot mowing strip ~~should~~shall be
609 maintained between plantings and the curb.

610 (43) No rocks, boulders, railroad cross ties, heavy
611 timbers and other ~~obstructions~~hardscape, shall be ~~used~~placed within
612 the rights-of-way without a County-approved use agreement special
613 ~~and specific written permissions.~~

616 (5) ~~For limited access or divided highways or~~
617 ~~roads, or undivided highways or roads (four (4) or more lanes)~~
618 ~~having a minimum design speed of fifty (50) miles per hour, trees~~
619 ~~shall be a minimum of thirty (30) feet from the edge of the through~~
620 ~~traveled way or eighteen (18) feet minimum from the edge of an~~
621 ~~auxiliary lane.~~

622 (64) On divided or undivided county highways or
623 roads, trees and landscaping willshall not be ~~authorized to be~~ planted
624 in the clear recovery zone. The minimum width of the clear recovery
625 zone, adjacent to the traveled way, shown in the most recent edition
626 of the Manual of Uniform Minimum Standards for Design
627 Construction and Maintenance for Streets and Highways (Florida
628 Greenbook)-(Green Book) as published by the Florida Department
629 of Transportation, willshall be required to be maintained.

632 (75) Plant and tree selection must be consistent
633 with County specifications.

634 (6) Poisonous plants shall not be planted in any
635 planned or dedicated public right-of-way.

638 (87) Landscaping planned for either the parkway
639 or median strip will not be authorized if, in the opinion of the
640 ~~e~~County ~~e~~Engineer, such installation ~~would possibly~~ may create a
641 safety hazard; or vertical or horizontal sight line obstruction by tree
642 size, tree spacing, or other characteristics. Safety of the public
643 willshall be the predominant factor in all decisions. The applicant
644 shall demonstrate at the time of the permitting that the sight distance
645 is not impaired to the motoring public in any direction by
646 landscaping and plantings now or in the future at any median
opening and/or intersections. Any tree canopy must be at least five

648 feet above the sight line datum, and the top of any ground cover must
650 be at least 1.5 feet below the sight line datum. The most recent
652 editions of the Manual on Uniform Traffic Control Devices and the
Florida Manual on Uniform Minimum Standards for Design,
Construction and Maintenance for Streets and Highways (Florida
654 Greenbook) shall be used as reference.

656 (c) *Irrigation systems.* An irrigation systems under this section shall be subject to the following:

658 (1) No irrigation systems, or appurtenances
660 thereto, shall be placed, or authorized to be placed, within the right-
of-way, unless a use agreement has been approved by the ~~h~~Board of
662 eCounty eCommissioners and recorded; irrigation construction
plans approved by the eCounty eEngineer; and a valid right-of-way
664 utilization permit applied for by a county or state licensed
contractor, has been authorized by the ~~h~~Board of eCounty
eCommissioners and issued by the eCounty eEngineer.

666 (2) Sprinkler heads within the ~~safe~~clear recovery
668 area must be of the pop-up type (no stand-ups ~~authorized~~). Feeder
hoses with drip lines may be used. The sprinkler system must be
670 installed in such a manner so that it will not create a traffic or safety
hazard.

672 (3) Road crossings ~~will~~shall be made in
674 accordance with ~~s~~Section 21-232 and any deviation from these
regulations ~~will~~may result in issuance of a violation notice and
676 possible revocation of the permit.

678 (4) Requirements as to required cover of an
irrigation system or appurtenances, under the traveled way, may be
680 found in section 21-232.

682 (5) Minimum cover, other than under the
traveled way, for irrigation systems shall be twelve (12) inches if
684 piping is used, and six (6) inches if a feeder hose with drip line is
used.

686 (6) No jetting (air, water, etc.) is authorized
688 within any right-of-way ~~in the county~~.

690 (7) Pumps, wells, electrical control devices, and
other associated items, relating to irrigation systems, unless
692 specifically approved by the eCounty eEngineer, ~~will~~shall not be
installed in the rights-of-way. When approved, all controllers, well

heads, and electrical control panels shall be enclosed in a below grade concrete vault, with a solid top flush with grade.

(8) Irrigation systems ~~will~~shall not be authorized to be constructed, either in the public rights-of-way, or on private property, that are designed or constructed in such a manner; (i.e., for irrigation on parkway strips by directing water flow from sprinkler heads over sidewalks and/or bike paths that have been constructed for and used by the public); so as to create a safety hazard to the public. Unauthorized irrigation systems such as herein described ~~will~~shall be subject to legal action and penalty as prescribed by law.

(9) The County may require weather and soil-based irrigation controllers on new or replacement installations.

O. Section 21-241 of Chapter 21, Article VI (“Right-of-Way Utilization Regulations”), is created to read as follows:

Sec. 21-241. Waste/recycling collection and storage containers.

(a) Centralized waste collection containers, including construction dumpsters and recycling containers, shall not be placed in or obstruct County roadways and associated County rights-of-way.

(1) A dumpster or waste collection container rolled off a vehicle or trailer when the container is placed at a site and then rolled onto the vehicle or trailer when the container is transported to another location shall not be placed within the right-of-way of any County-maintained roadway or roadway that has been paved and is in the one-year warranty period.

(2) The maneuvering area for waste collection and service vehicles shall be designed so as to eliminate the need for backing and maneuvering from, on, or onto streets, sidewalks, trails, and rights-of-way.

(b) Temporary portable storage containers, as defined in Sec. 38-79(55), shall not be placed within the right-of-way of any County-maintained roadway or roadway that has been paved and is in the one-year warranty period.

Secs. 21-241~~2~~—21-244. Reserved.

P. Chapter 21, Article VII ("Solicitation in Public Rights-of-Way"),

738 Section 21-262 is amended as follows:

Sec. 21-262. Definitions.

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For purposes of this article, each of the following terms shall have the same definition as that term is defined in the statutory reference set forth hereinbelow or as otherwise specifically defined herein:

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(1) Arterial road; ~~F.S. §Section 334.03, Florida Statutes.~~

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(2) Collector road; ~~F.S. §Section 334.03, Florida Statutes.~~

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(3) Person; ~~F.S. §Section 334.03, Florida Statutes.~~

(4) Right-of-way; ~~F.S. §Section 334.03, Florida Statutes.~~

752

(5) Road; ~~F.S. §Section 334.03, Florida Statutes.~~

(6) Intersection; ~~F.S. §Section 316.003, Florida Statutes.~~

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(7) "Solicitation of charitable contribution" or "solicitation activity" means the solicitation or attempted solicitation of money, donations of money, property or financial assistance of any kind or the tender, sale or offer for sale of any article, tag, service, emblem, publication, ticket, advertisement, subscription or anything of value on the plea or representation that such solicitation or tender, sale, or an offer of sale or the proceeds thereof, is for a charitable, patriotic, public, philanthropic or political purpose.

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Q. Chapter 21, Article VII ("Solicitation in Public Rights-of-Way"),

Section 21-263 is amended as follows:

766

Sec. 21-263. Regulations.

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The use of any traveled right-of-way in the county for the solicitation of charitable contributions, ~~is~~ shall be subject to the following regulations:

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(1) Any solicitation activity within a collector road or arterial road right-of-way between the curb to curb or shoulder to shoulder portion of the paved right-of-way, ~~including~~

776 ~~medians therein~~, shall require a permit as set forth in section 21-264
778 below. No permit shall be issued for solicitation within a state
780 roadway, per the prohibited uses specified in Section 337.406,
Florida Statutes.

782 (2) Any solicitation activity within a collector
784 road or arterial road right-of-way, when such use occurs outside of
786 the vehicular traffic lanes, but the activity is directed primarily
788 toward vehicles within the traffic lanes, shall require a permit as set
790 forth in section 21-264. However, the provisions of this section shall
792 not apply to any passive informational activity which takes place
794 outside of the vehicular traffic lanes even though such activity is
directed ~~primarily~~primarily toward vehicles within the traffic lanes.
For the purposes of this exception, a passive informational activity
is defined as the presentation by a person or group of a message
which requires no response and which merely presents information
or ~~expresses~~expresses an opinion or sentiment. However, such
passive informational activity may be subject to the requirements of
the public assembly ordinance.

796 (3) The intersections of certain collector road
798 and arterial road rights-of-way between the curb to curb or shoulder
800 to shoulder portion of the paved right-of-way, including any
802 medians therein, and traveled portions of such roads adjacent to such
intersections, due to their high traffic volumes, designs, and/or
~~accident-rates of vehicle, pedestrian, and/or bicycle crashes, are~~
~~hazardous and unsafe~~ may be determined to be unsuitable for
solicitation activity by the County Traffic Engineer upon review by
the Board of County Commissioners. Such hazardous and unsafe
~~intersections and adjacent roads shall be designated as "Hazardous~~
~~and Unsafe Intersections" from time to time by published order of~~
~~the county traffic engineer published and filed with the clerk to the~~
~~board of county commissioners.~~ No permits shall be issued under
sSection 21-264 for any solicitation activity at those intersections so
designated ~~as hazardous and unsafe in any such order. Further, no~~
~~permit shall be issued under section 21-264 to allow any solicitation~~
~~activity to take place within or upon those rights-of-way of the roads~~
~~which constitute or create such a designated intersection when such~~
~~solicitation activity would take place and/or within five hundred~~
~~(500) feet of such a designated intersection. Those hazardous and~~
~~unsafe intersections designated in a "Hazardous and Unsafe Order"~~
~~by the county traffic engineer shall be so designated by~~ †The
eCounty †Traffic eEngineer shall designate intersections as
unsuitable based on~~after~~ consideration of appropriate evidence
justifying such designation in light of ~~nationally~~ accepted standards
~~of~~ sound traffic engineering practice, including, but not limited to,
those standards promulgated by the Institute of

824 ~~Traffic~~ Transportation Engineers and the Florida Department of
826 Transportation. The ~~e~~County ~~t~~Traffic ~~e~~Engineer periodically shall
828 review intersections for designation as hazardous and unsafe and
may make additions and deletions to those so designated based upon
changes in traffic volumes, rights-of-ways, designs and/or accident
rates and other appropriate criteria.

830 (4) This article shall affect a person's or group's
832 right to use only those portions of rights-of-way in the county which
are regulated under authority of this article. Other applicable local,
834 state, and federal laws and regulations regarding rights-of-way shall
continue in full force and effect, including those
836 ~~prohibiting~~ governing commercial use of rights-of-way.

838 (5) In order to provide for the orderly flow of
840 traffic, and in order to protect the health, safety, and welfare of both
participants and the traveling public, the solicitation of charitable
842 contributions under this section shall comply with the following
conditions:

844 a. Solicitation of charitable
846 contributions shall be permitted only on Saturdays and Sundays,
unless special permission for cause is granted by the ~~e~~County
848 ~~t~~Traffic ~~e~~Engineer, and between the hours published by appropriate
federal government authority as those official times for sunrise and
sunset.

850 b. Participants in solicitation activities
852 regulated hereunder shall not enter or remain in the traffic lanes of
the roadway except at and within ~~designated~~ marked pedestrian
854 crosswalks at intersections, excluding midblock crossings. No
solicitation activity shall take place in or adjacent to work zones.

856 c. Participants in solicitation activities
858 regulated hereunder who are positioned ~~on roadway medians or in~~
pedestrian crosswalks shall at all times wear a safety garment such
860 as a high visibility shirt, vest, or jacket, the color of which shall be
orange, yellow, strong yellow-green (or the fluorescent versions of
862 these colors) and such garment shall comply with specifications
contained in the current edition of "Part IV of the Manual on
864 Uniform Traffic Control Devices," as published by the Federal
Highway Administration.

866 d. ~~If any~~ No minor under the age of
868 eighteen (18) years who participates in solicitation activity regulated
hereunder shall enter a crosswalk or roadway for solicitation but
shall instead remain on a sidewalk or roadside for safety purposes.

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~~e. _____, it is required that~~ One adult supervisor shall be present at the solicitation activity site for ~~each group of every three (3) or fewer minor participants who are present.~~ The presence of such an adult supervisor is required in order to supervise the movements and promote the safety of such minor participants.

ef. Any participant who is engaged in the solicitation of charitable contributions shall display prominently a legible identification card or badge which shall show the following information:

- 1. A recent photograph of the participant.
- 2. The participant's name.
- 3. The name of the sponsor of the solicitation activity.

The participant's name and photograph shall be permanently affixed or laminated to such card or badge. Identification provided for other purposes (vehicle operator license, state identification card, employer identification card, et cetera) may be used to satisfy informational portions of this requirement. The required identification card or badge shall be provided by the permittee to each participant.

(6) Participants in solicitation activity regulated hereunder shall not block or obstruct any road, traffic lane, crosswalk, sidewalk, driveway, or property entrance in any manner or fashion which would prevent the beneficial use of such. No participant in a solicitation activity regulated hereunder shall engage in any activity or behavior which may endanger the personal safety of the public or the participant.

R. Chapter 21, Article VII ("Solicitation in Public Rights-of-Way"),

Section 21-264 is amended as follows:

Sec. 21-264. Permits.

(a) In order for a person to conduct solicitation of charitable contributions as described in section 21-263 above, such person or group must first obtain a right-of-way solicitation permit from the ~~e~~County ~~t~~Traffic ~~e~~Engineer or his or her designee.

914 (b) An Application for a right-of-way solicitation
916 permit shall be made on a form supplied by the eCounty tTraffic
eEngineer or his or her designee. Every application shall be filled
918 out completely. Failure to fully complete an application shall be
grounds to deny a permit.

920 (c) Each right-of-way solicitation permit for the
922 solicitation of charitable contributions shall be valid for not longer
than seven (7) days. Permits may be issued to the same organization
no more than two times per calendar year.

924 (d) Each right-of-way solicitation permit shall be
926 specific as to location and dates.

928 (e) The bBoard of eCounty eCommissioners may
930 establish a fees for the issuance of a right-of-way solicitation
permits.

932 (f) Each applicant person or group shall supply to the
934 county as part of the application such disclosure information as is
required pursuant to the Solicitation of Funds Act, eChapter 496,
936 Florida Statutes, and evidence of full compliance with all
requirements of said Solicitation of FundsContributions Act. Those
938 persons or groups who are exempted from compliance with the
Solicitation of FundsContributions Act shall state the basis of
940 exemption as part of the application. The eCounty tTraffic
eEngineer shall issue a right-of-way solicitation permit for any
942 activities which involve the solicitation of charitable contributions
to:

944 (1) A group or person(s) who are soliciting
946 charitable contributions upon and during a day nationally, regionally
or locally recognized by known community custom or through
948 media publication as a day dedicated to donation solicitation by the
beneficiary of such donations, or

950 (2) A group of persons whom the eCounty
952 tTraffic eEngineer finds as qualified to conduct highway traffic area
solicitations without undue hazard to themselves or the public when
954 such finding is made by the eCounty tTraffic eEngineer on the basis
of his or her professional judgment, considering nationally
956 recognized traffic standards and the skill, experience or training of
such group or person(s) relative to the hazards presented by the
958 particular traffic area for which such permit is sought.

960 (g) As part of the application for a right-of-way
solicitation permit, the applicant shall sign a waiver of liability in

962 favor of the county for incidents which may result ~~form~~from the
activities conducted by the person or group under the permit. If the
964 right-of-way solicitation permit is for a corporate entity, then an
authorized representative shall sign the waiver. If the right-of-way
966 solicitation permit is for individuals, then each individual shall sign
a waiver.

968 (h) As part of the application for a right-of-way
solicitation permit, the applicant shall sign a hold harmless
970 agreement in favor of the county for incidents occurring as a result
of the person's or group's actions while operating under the permit.

972 (i) The applicant shall submit an application for a right-
974 of-way solicitation permit a minimum of fifteen (15) business days
prior to the planned event. The ~~e~~County ~~t~~Traffic ~~e~~Engineer shall
976 issue or deny a right-of-way solicitation permit within ten (10)
business days after a complete application is submitted. Only one
978 (1) such permit per intersection and adjacent roadways or any other
specific area constituting a five-hundred-lineal-foot length of right-
980 of-way shall be issued.

982 (j) If the solicitation permit is denied, the ~~e~~County
~~t~~Traffic ~~e~~Engineer shall provide the applicant with written notice of
984 the denial and written reasons for the denial within two (2) business
days after the denial. A denial may be immediately reviewed as a
986 matter of right by a court of competent jurisdiction upon the filing
of an appropriate pleading by an aggrieved applicant.

988 (k) The ~~e~~County ~~t~~Traffic ~~e~~Engineer, or his or her
990 designee, may revoke a right-of-way solicitation activity permit
upon finding a violation of any substantial or material condition or
992 standard for issuance of such a permit or conduct of any activity
thereunder. Such finding shall be made only upon hearing and after
994 reasonable notice of such hearing has been given to the permittee.

996 S. Chapter 21, Article VII ("Solicitation in Public Rights-of-Way").

Section 21-265 is amended to read as follows:

998 **Sec. 21-265. Scope~~Conflict with municipal ordinances.~~**

1000 This article shall be effective on any road within the county
that is part of the "county road system" as defined by Ssection
1002 334.03, Florida Statutes.

1004 **Section 3. Amendments to Chapter 35, Traffic.** Chapter 35 (“Traffic”), Article I
 (“In General”) and Article IV (“Vehicles”) are amended by the following changes to Sections
1006 35-1 and 35-70; and Article VI (“Personal Delivery Devices, Mobile Carriers, and Electric
 Personal Assistive Mobility Devices”) and Article VII (“Electric Bicycles”) are created as
1008 follows:

 A. Chapter 35, Article I (“In General”), Section 35-1 of the Orange
1010 County Code is amended as follows:

Sec. 35-1. Definitions.

* * *

1012
1014 All-terrain vehicle shall mean as defined in Sections
1016 316.2074 and 317.0003, Florida Statutes, and include any motorized
1018 off-highway vehicle designed to travel on three or more non-
 highway tires and manufactured for recreational use by one or more
 persons.

1020 Bicycle path shall mean any road, path, or way that is open
1022 to bicycle travel, which road, path, or way is physically separated
1024 from motorized vehicular traffic by an open space or by a barrier
 and is located either within the roadway or within an independent
 right-of-way.

* * *

1028 Shared use path shall mean a facility with a firm, stable, slip-
1030 resistant surface physically separated from motorized vehicular
1032 traffic by an open space or barrier with minimal cross flow by motor
 vehicles and that is designed for pedestrians, bicyclists, skaters, and
 other users.

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B. Chapter 35, Article IV ("All Terrain Vehicles") is amended to read as follows:

**ARTICLE IV
ALL TERRAIN VEHICLES**

Sec. 35-70. Operation of all terrain vehicles on County facilities on unpaved roadways.

(a) Pursuant to ~~F.S. §~~ Section 316.2123(2), Florida Statutes, Orange County shall be exempt from the provisions of ~~F.S. §~~ Section 316.2123(1), Florida Statutes, which would otherwise allow the operation of an all-terrain vehicle ("ATV") during the daytime on an unpaved roadway where the posted speed limit is less than thirty-five (35) miles per hour by a licensed driver or by a minor under the supervision of a licensed driver. ~~The term "ATV" shall be as defined in F.S. § 317.0003(1).~~

(b) An all-terrain vehicle shall not be operated upon publicly-maintained County roadways, sidewalks, bicycle paths, shared use paths, and paved or unpaved trails, except as otherwise permitted by Section 316.2074, Florida Statutes.

C. Chapter 35, Article VI ("Personal Delivery Devices, Mobile Carriers, and Electric Personal Assistive Mobility Devices") is created to read as follows:

**ARTICLE VI
PERSONAL DELIVERY DEVICES, MOBILE CARRIERS,
AND ELECTRIC PERSONAL ASSISTIVE MOBILITY
DEVICES**

Sec. 35-80. Operation of personal delivery devices and mobile carriers on County facilities.

(a) Personal delivery devices, as defined in Section 316.003(56), Florida Statutes, and mobile carriers, as defined in Section 316.003(41), Florida Statutes, may be operated on sidewalks and crosswalks within Orange County when such use is permissible under federal law and is consistent with Section 316.2071, Florida Statutes, and other applicable Florida Statutes. Personal delivery devices and mobile carriers must operate or be operated at a maximum speed of no more than ten (10) miles per

hour in such areas and in accordance with all applicable Florida Department of Transportation rules and standards.

(1) A personal delivery device or mobile carrier on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device or mobile carrier must not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians on the sidewalk or crosswalk.

(2) Each personal delivery device and mobile carrier operated or operating in Orange County must clearly display a unique identification number and the name of the business or corporate entity operating it. The numbering and lettering shall be a minimum of six (6) inches high.

(3) Each personal delivery device and mobile carrier must be equipped with a braking system that, when active or engaged, enables the personal delivery device or mobile carrier to come to a controlled stop.

(4) If the personal delivery device or mobile carrier is being operated between sunset and sunrise, it must have a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(b) Consistent with Section 316.008, Florida Statutes, a personal delivery device shall not be operated on trails owned or maintained by Orange County that are part of Florida Shared-Use Nonmotorized Trail Network facilities or the Florida Greenways and Trails System created under Chapter 260, Florida Statutes.

Sec. 35-81. Permitting of personal delivery devices and mobile carriers.

(a) An entity or its agent operating a personal delivery device or mobile carrier in Orange County rights-of-way shall enter into a license and/or franchise agreement with the Board of County Commissioners, and shall be subject to all provisions of Chapter 21, Article VI.

(1) The application for a license agreement shall include a certification that the device or devices to be used meet all criteria of Section 316.003(56), Florida Statutes, including a graphic with all dimensions depicting each device.

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(2) The agreement application also shall certify compliance with all provisions of this article and shall specify proposed geographic locations where the entity intends to operate personal delivery devices and the number of devices the entity intends to operate.

(3) The license agreement may be revoked for non-compliance with the provisions of this article.

(b) An entity or its agent operating a personal delivery device in Orange County shall maintain an insurance policy that provides general liability coverage of at least \$1,000,000 for damages arising from the combined operations in Orange County of personal delivery devices under the entity's or agent's control. Certification of insurance shall be provided to the Development Engineering Division with an application for a right-of-way utilization permit.

(c) The Board of County Commissioners may grant nonexclusive permits, franchises, agreements, or licenses to persons, firms, or corporations to operate personal delivery devices on sidewalks and crosswalks that are under County jurisdiction in the unincorporated area of Orange County.

(d) The County may require mobility data collection, mapping, and reporting from entities or agents operating a personal delivery device as a condition of their right-of-way utilization permit from the Public Works Department or nonexclusive permits, franchises, agreements, or licenses granted by the Board of County Commissioners. These requirements may include, but not be limited to, personal delivery device trip volumes, trip lengths, trip locations, collisions, theft, vandalism, and cyber hacking or other unauthorized use of personal delivery devices.

Sec. 35-82. General restrictions for personal delivery devices and mobile carriers.

(a) Personal delivery devices and mobile carriers operated or operating in Orange County must obey all traffic signs and signals and shall not be used to transport hazardous waste as defined in Sections 316.003 and 403.703(14), Florida Statutes.

(b) If a technology failure or loss of communication occurs during the operation of a personal delivery device, the personal delivery device shall alert the operator and, if the personal

1176 delivery device operator is unable to assume direct control of the
1177 device, it shall come to a stop off the County roadway. Any personal
1178 delivery device that has a technology failure, loss of
communication, or other malfunction shall be promptly removed
1180 from any County roadway or right-of-way.

1182 (c) The County Traffic Engineer may prohibit personal
1183 delivery devices on any road under the County's jurisdiction to the
1184 extent allowable under Sections 316.008(7)(b) and 316.2071,
1185 Florida Statutes, if the County Traffic Engineer determines this
1186 prohibition is necessary in the interest of safety.

1188 **Sec. 35-83. Electric personal assistive mobility devices.**

1190 (a) Electric personal assistive mobility devices, as
1191 defined in Section 316.003(23), Florida Statutes, may be operated
1192 on sidewalks or sidewalk areas when such use is permissible under
1193 federal law and is consistent with Section 316.2068, Florida
1194 Statutes, and other applicable Florida Statutes, including use of a
bicycle helmet by persons under 16 years of age.

1196 (1) Electric personal assistive devices shall
1197 operate at a maximum speed of ten (10) miles per hour in such areas.
1198 On a sidewalk, a person operating the device shall yield the right-
1199 of-way to pedestrians and give an audible signal before overtaking
1200 and passing a pedestrian.

1202 (2) Electric personal assistive mobility devices
1203 may be operated on County roadways where the posted speed limit
1204 is 25 miles per hour or less, on a marked bicycle path, or on
1205 roadways in areas where bicycles are permitted.

1206 (3) Electric personal assistive mobility devices
1207 may operate at an intersection to cross a road or street, even if the
1208 road or street has a posted speed limit of more than 25 miles per
1209 hour.

1212 (4) The County Traffic Engineer may prohibit
1213 the operation of electric personal assistive mobility devices on any
1214 road under the County's jurisdiction if the County Traffic Engineer
1215 determines that such a prohibition is necessary in the interest of
1216 safety.

1218 **Secs. 35-84—35-89. Reserved.**

D. Chapter 35, Article VII (“Electric Bicycles”) is created to read as

1222 follows:

1224 **ARTICLE VII**
ELECTRIC BICYCLES

1226 **Sec. 35-90. Definitions.**

1228 An electric bicycle shall mean a bicycle or tricycle equipped
1230 with fully operable pedals, a seat or saddle for the use of the rider,
1232 and an electric motor of less than 750 watts, as defined in Section
316.003(22), Florida Statutes, but not a micromobility device as
defined in s. 316.003(39), Florida Statutes. Electric bicycles shall
meet the requirements of one of the following three classifications:

1234 (a) Class 1 electric bicycle means an electric bicycle
1236 equipped with a motor that provides assistance only when the rider
is pedaling and that ceases to provide assistance when the electric
1238 bicycle reaches the speed of 20 miles per hour.

1240 (b) Class 2 electric bicycle means an electric bicycle
1242 equipped with a motor that may be used exclusively to propel the
electric bicycle and that ceases to provide assistance when the
electric bicycle reaches the speed of 20 miles per hour.

1244 (c) Class 3 electric bicycle means an electric bicycle
1246 equipped with a motor that provides assistance only when the rider
is pedaling and that ceases to provide assistance when the electric
1248 bicycle reaches the speed of 28 miles per hour.

1250 **Sec. 35-91. Operation of electric bicycles on County roadways.**

1252 (a) Electric bicycles may be operated on County streets,
1254 highways, roadways, shoulders, sidewalks, bicycle lanes, and shared
use paths as follows:

1256 (1) Class 1 electric bicycles may be operated on
1258 bicycle paths, shared use paths, bicycle lanes, streets, highways,
roadways, and shoulders.

1260 (2) Class 2 electric bicycles may be operated on
1262 bicycle paths, shared use paths, bicycle lanes, streets, highways,
roadways, and shoulders.

1264 (3) Class 3 electric bicycles may be operated in
bicycle lanes, streets, highways, roadways, and shoulders.

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(4) At the discretion of the County Traffic Engineer, the County may restrict Class 1 and 2 electric bicycle operations on shared use paths, where prohibited by clearly visible signs or markings sufficient to give riders reasonable notice of the prohibition. Class 3 electric bicycles are prohibited from any shared use path.

(5) All classes of electric bicycles may be operated on a sidewalk but must travel at a speed no greater than 10 miles per hour.

(b) An electric bicycle or an operator of an electric bicycle must operate consistent with all applicable provisions of Section 316.20655, Florida Statutes, and has all the rights and duties applicable to a bicycle or the operator of a bicycle. A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian, and shall give an audible signal before overtaking and passing such pedestrian.

Sec. 35-92. Operation of electric bicycles on County trails.

(a) Class 1 and Class 2 electric bicycles may be operated on County paved trails unless prohibited by clearly visible signs or markings sufficient to give riders reasonable notice of the prohibition.

(b) Class 1 and Class 2 electric bicycles, when operated or operating on County paved trails, must travel at speeds consistent with any speed limits that may be posted on individual trail facilities to ensure safety and reduce conflicts with other trail users.

(c) Class 3 electric bicycles are prohibited from all County trails.

(d) Class 1 and Class 2 electric bicycles may be prohibited based on individual trail facilities' operational and/or safety conditions or restrictions due to state funding of the facility.

Secs. 35-93—35-95. Reserved.

1310 **Section 4. Effective Date.** This ordinance shall become effective on August 1, 2021.

1312 **ADOPTED THIS _____ DAY OF _____, 2021.**

1314 **ORANGE COUNTY, FLORIDA**
By: Board of County Commissioners

1316
1318 By: _____
Jerry L. Demings, County Mayor

1320 ATTEST: Phil Diamond, CPA, County Comptroller
1322 As Clerk of the Board of County Commissioners

1324 By: _____
1326 Deputy Clerk

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1336 s: sstone ordinances\code changes\pw ordinance - chapters 21 and 35 5-13-21 public works ordinance re chapters 21 35.docx

ORDINANCE NO. 2021-_____

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, RELATED TO LAND DEVELOPMENT BY AMENDING THE ORANGE COUNTY CODE, CHAPTER 30 (“PLANNING AND DEVELOPMENT”), ARTICLE III (“LAND DEVELOPMENT AND USE ORDINANCE”) AND ARTICLE VIII (“SITE DEVELOPMENT”); AND CHAPTER 34 (“SUBDIVISION REGULATIONS”), ARTICLE I (“IN GENERAL”), ARTICLE III, (“SUBDIVISION REVIEW PROCESS”) AND ARTICLE IV (“SPECIFICATIONS FOR PLANS AND PLATS”); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amendments; In General. Chapter 30 (“Planning and Development”) and Chapter 34 (“Subdivision Regulations”) of the Orange County Code are amended as set forth in Section 2 and Section 3 below, respectively, with additions being shown as underlines and deletions being shown as ~~struck through~~:

Section 2. Amendments to Chapter 30, Planning and Development. Chapter 30 (“Planning and Development”), Article III (“Land Development and Use Ordinance”) and Article VIII (“Site Development”), of the Orange County Code is hereby amended by the following changes to Section 30-78, Section 30-254; and the creation of Section 30-255:

[Rest of page intentionally blank]

A. Chapter 30, Article III (“Land Development and Use Ordinance”),

34 Section 30-78 is amended as follows:

36 **Sec. 30-78. Definitions and title.**

38 * * *

38 *Subdivision* shall mean the division ~~of a parcel~~ of land,
40 whether improved or unimproved, into ~~three~~ ~~two (2)~~ or more lots, ~~or~~
42 parcels, tracts, tiers, blocks, sites, units, or any other division of land
44 for the purpose, whether immediate or future, of transfer of
46 ownership or building development where the subdivider advocates,
48 proposes, suggests or exhibits a proposed plan, map or plat of
50 development of the land; ~~or~~ and includes where the subdivider
52 proposes to establish ~~create~~ a new streets, and alleys, additions, and
54 resubdivisions, or a right-of-way or easement that joins or connects
56 to an existing public street for ingress and egress, or to change an
58 existing public street.

50 *Survey* shall mean the result of any professional service or
52 work resulting from the practice of Surveying and Mapping, as
54 defined in Chapter 472, Florida Statutes, which includes As-
56 built/Record Surveys, Boundary Surveys, Construction Layout
58 Surveys, Condominium Surveys, Construction Control Surveys,
60 Control Surveys, Elevation Surveys, Hydrographic/Bathymetric
62 Surveys, Tidal or non-tidal Water Boundary Surveys,
64 Photogrammetric Surveys (including Orthorectified Imagery),
Quantity Surveys, Topographic Surveys, and Surveys prepared for
Wetland/Conservation Area Determination activities as defined in
Chapter 15 of the Orange County Code, whether it is measured by
direct or remote sensing methods. Any such survey shall indicate
and clearly state that it has been prepared in accordance with Rule
5J-17, Florida Administrative Code, as amended from time to time.

66 * * *

B. Chapter 30, Article VIII (“Site Development”), Section 30-254 of

68 is amended to read as follows:

70 **Sec. 30-254. Solid-wWaste/recycling collection and storage**
containers.

72 (a) All multifamily residential projects, with greater than
four (4) units per structure, which units are not individually owned,

74 shall be required to provide centralized facilities with separate
75 containers (e.g., dumpster) for the deposit of solid waste and
76 recycling from the individual living units. Such containers shall
77 provide four one-hundredths (0.04) cubic yards of capacity per week
78 per bedroom for solid waste and recycling each. The containers shall
79 be located or screened in such a way that they are not readily visible
80 from adjacent properties.

81 (b) Waste collection containers and activities, including
82 recycling and construction dumpsters, serving residential projects
83 shall not be placed in or obstruct County roadways and associated
84 County-owned rights-of-way and shall meet all requirements of Sec.
85 21-241.

86 C. Section 30-255 of Chapter 30, Article VIII ("Site Development") is

87 created to read as follows:

88 **Sec. 30-255. Reserved Curb zone management.**

89 (a) At a preapplication conference or during the review
90 of a proposed land use plan, to improve pedestrian, bicycle,
91 automobile, and/or transit circulation and safety, a curb zone
92 management strategy or strategies may be required and may include,
93 but not be limited to, designated passenger loading zones, staging
94 areas for shared mobility services, and/or short-term parking spaces
95 for curbside delivery or delivery services, and may be centralized
96 within a shopping center or shared by multiple users within a
97 development.

98 (b) Appropriate dimensions and signage, curb ramps and
99 other ADA accessibility requirements, and safety features (such as
100 bollards, pavement markings, curb ramps, truncated domes), shall
101 be required. The site design shall only allow forward motion of
102 vehicles for safety.

103 (c) A project that has a County-approved curb zone
104 management strategy or strategies may receive a reduction of its
105 corresponding required off-street parking of up to ten percent, as
106 determined by Sec. 38-1476, administratively, without the need for
107 a parking study.

108 **Secs. 30-2556—30-275. - Reserved.**

Section 3. Amendments to Chapter 34, Subdivision Regulations. Chapter 34

116 (“Subdivision Regulations”), Article I (“In General”), Article III (“Subdivision Review Process”),
and Article IV (“Specifications for Plans and Plats”), of the Orange County Code is hereby
118 amended by the following changes to Sections 34-5, 34-48, and 34-133:

120 A. Chapter 34, Article I (“In General”), Section 34-5 is amended as
follows:

122 **Sec. 34-5. Definitions.**

124 * * *

126 Legal entity, as used in this Article, shall mean an entity that
128 holds a certificate of authorization issued under Chapter 472, Florida
Statutes, whether the entity is a corporation, partnership,
130 association, or person practicing under a fictitious name.

132 * * *

132 B. Chapter 34, Article III (“Subdivision Review Process”), Section
134 34-48 is amended to read as follows:

136 **Sec. 34-48. Plat approval and recording.**

138 (a) The eCounty eEngineer shall process a plat for
approval and recording. A plat shall comply with sSection 34-133
140 and, to the extent that it is not inconsistent with this section and
section 34-133, pPart I, eChapter 177, Florida Statutes. In the event
142 of any inconsistency, Florida Statutes shall control. Also, pursuant
to Section 177.061, Florida Statutes, the plat shall be signed and
144 sealed by a Professional Surveyor and Mapper licensed in the state
of Florida.

146 (b) For lands located within unincorporated Orange
County which have not been the subject of a public hearing before
148 the hBoard of eCounty eCommissioners on a preliminary
subdivision plan, such as a commercial plat or one (H) lot plat, the
150 plat shall not be recorded, whether as an independent instrument or
by attachment to another instrument entitled to record, unless and

152 until such plat has been approved by the ~~h~~Board of ~~e~~County
153 ~~e~~Commissioners at a public meeting.

154 (c) For lands located within unincorporated Orange
155 County which have been the subject of a public hearing before the
156 ~~h~~Board of ~~e~~County ~~e~~Commissioners on a preliminary subdivision
157 plan or on a substantial amendment to an approved preliminary
158 subdivision plan, the ~~h~~Board of ~~e~~County ~~e~~Commissioners hereby
159 delegates to the ~~e~~County ~~m~~Mayor the authority to approve such plat,
160 and the plat shall not be recorded unless and until it has been
161 approved by the ~~e~~County ~~m~~Mayor.

162
163 **Secs. 34-49—34-66. - Reserved.**

164
165 C. Chapter 34, Article IV (“Specifications for Plans and Plats”),

Section 34-133 is amended to read as follows:

166
167 **Sec. 34-133. Platting requirements.**

168 (a) *Prerequisites.* The ~~e~~County ~~e~~Engineer:

169 (1) shall not approve a residential subdivision
170 plat until construction plans and related documents are approved.

171 (2) shall not approve a plat until any and all
172 underlying condominiums of record as prescribed by Chapter 718,
173 Florida Statutes, have been terminated.

174 (3) shall not, with the exception of properties
175 held as tenants in common, tenants by the entirety, or joint tenants
176 with rights of survivorship, approve a plat where a platted lot or tract
177 will have more than a single owner of record upon the recordation
178 of the plat.

179 (b) *General.* The plat shall meet all the requirements of
180 ~~F.S. ch. Chapter~~ 177, ~~p~~Part I, Florida Statutes, and shall be certified
181 by a land surveyor registered in the State of Florida. In addition, the
182 plat shall be drawn with permanent black drawing ink on ~~linen~~
183 ~~tracing cloth,~~ mylar, or equally durable material, using sheets
184 twenty-four (24) inches by thirty (30) inches. Each sheet shall have
185 a marginal line completely around the sheet placed to leave a three-
186 inch binding margin on the left and a one-inch margin on the other
187 three (~~3~~) sides. If a government survey corner is used to conduct the
188 surveys for the plat, a copy of the corner record shall be resubmitted
189 along with the plat for approval. The title opinion or property

196 information report required per Section 177.041, Florida Statutes,
198 shall also be submitted for recording along with the plat. All plats to
200 be recorded shall contain the required plat certificates. Prior to filing
202 an affidavit confirming an error or correction on a recorded plat, the
204 surveyor who was responsible for the survey and the preparation of
the plat shall first submit the affidavit along with a copy of the
recorded plat to the eCounty eEngineer and County Surveyor for
approval. Such affidavit shall meet the requirements of F.S.
§Section 177.141, Florida Statutes.

206 A Boundary Survey prepared within the previous twelve
208 (12) months of plat submittal and prepared by the relevant legal
210 entity or sole Professional Surveyor and Mapper, must accompany
212 the plat submittal and be in accordance with Florida Administrative
214 Code 5J-17. This requirement does not restrict a legal entity from
216 employing one Professional Surveyor and Mapper to perform and
218 prepare the Boundary Survey and another Professional Surveyor and
220 Mapper to prepare the plat. The plat boundary shall be tied to at least
222 the nearest two Government Land Section Corners, and all corners
224 tied to the plat boundary must be shown and described on the plat.
226 If the new plat boundary is within a multiple phase project, then the
228 plat may be described using the Section Corners of the previously
230 platted and recorded phase of the overall project, and the description
232 of the new phase should be relative to the original boundary of the
234 overall multiple phase project. The Professional Surveyor and
236 Mapper shall be responsible for filing an updated Certified Corner
238 Record (CCR) when the corner found and used on the plat does not
240 match the latest CCR. A "DRAFT" copy of the CCR shall also be
submitted with the next plat submittal for the County Surveyor to
review. If the new CCR is not filed with the responsible state agency
by the time the plat is ready for recording, then a note on the plat
stating the "CCR is Pending" will be acceptable. The Professional
Surveyor and Mapper preparing the plat shall determine if a meeting
should be scheduled with the County Surveyor when boundary
circumstances are questionable, and a resolution of calls is needed.
A Sectional breakdown of the corners found/calculated, and other
corners found shall be submitted at the meeting and/or at plat
submittal. The County Surveyor and or Platting Section may
schedule a meeting at any time with the preparing Professional
Surveyor and Mapper to discuss issues preventing acceptance of the
plat. The plat boundary shall be field tied to the nearest government
land office section line whose section corners are shown and
described on the plat. Additionally, the plat boundary shall be tied
to geodetic control (providing, however, that geodetic control exists
within one (1) mile, as measured along an existing open public right-
of-way, of the plat boundary). Two (2) coordinated certified corners

242 could be used to meet both these sectional and geodetic control
244 requirements. One (1) of the four (4) methods outlined below shall
be used to tie the plat boundary to geodetic control:

246 (1) — Self-closing (looped) traverse(s) shall be
248 conducted between two (2) geodetic control points and the plat
boundary with a minimum precision of no less than one (1) part in
250 twelve thousand (12,000) before adjustment.

252 (2) — Self-closing (looped) traverse(s) shall be
254 conducted between one (1) geodetic control point, the plat boundary
and a line whose azimuth has been determined by astronomic
256 observation or global position system (GPS) with a minimum
precision of no less than one (1) part in twelve thousand (12,000)
before adjustment. Astronomic or GPS observation shall be
258 performed in accordance with third order, class II requirements set
forth in Standards and Specifications for Geodetic Control
260 Networks, Federal Geodetic Control Committee, September, 1984,
or as subsequently amended.

262 (3) — Three (3) geodetic control points tied to the
264 plat boundary such that the field observations agree with the
published coordinate values with a minimum precision of no less
than one (1) part in twelve thousand (12,000).

266 (4) — Two (2) geodetic control points and a line
268 whose azimuth has been determined by astronomic or GPS
observation tied to the plat boundary such that the field observations
270 agree with the published coordinate values with a minimum
precision of no less than one (1) part in twelve thousand (12,000).
272 Astronomic or GPS observation shall be performed in accordance
with third order, class II requirements set forth in Standards and
274 Specifications for Geodetic Control Networks, Federal Geodetic
Control Committee, September, 1984, or as subsequently amended.

276 Geodetic control points that are used shall be shown on the
278 plat by graphically identifying their location, name and number. The
final, adjusted direct tie (bearing and distance) shall be shown
280 between those geodetic control points and specific point(s) on plat
boundary. If only one (1) geodetic control point was located as in
282 method (2) above, a bearing diagram shall be shown on the plat
relating the bearing structure shown on the plat to astronomic or grid
284 north. If computer aided design and drafting (CADD) methods were
used in the preparation of the subdivision plat, a copy of the
286 associated electronic data file shall be made available to the county
upon request in order to expedite entering the subdivision into the

288 county's records. In the event of a discrepancy with county records,
290 other survey data showing the field observations, reductions and
adjustments shall be made available to the county upon request.

292 (c) *Estimated cost.* A construction cost estimate shall be
submitted, which provides the estimated cost of installing all
294 improvements. Such estimates shall be prepared by the project
engineer and shall be based upon recent bid information. As an
296 alternative, bids of at least two ~~(2)~~ reputable contractors, or a copy
of an executed contract, for the installation of the improvements
298 may be submitted.

300 (d) *Surety for improvements.* When platting is proposed
prior to completion of construction, the subdivider shall submit to
302 the ~~e~~County a recorded developer's agreement, a cash deposits, an
irrevocable letter of credit, or any other evidence or alternatives
304 acceptable to the ~~b~~Board of ~~e~~County ~~e~~Commissioners. The above
form of surety ~~sureties~~ shall cover the cost of all improvements. One
306 ~~(1)~~ or more of the following four ~~(4)~~ alternatives may be used upon
approval by the ~~b~~Board of ~~e~~County ~~e~~Commissioners:

308 (1) ~~Record~~ a recorded developer's agreement
310 acceptable to the ~~b~~Board of ~~e~~County ~~e~~Commissioners which
commits the developer and or financial institution to comply with
312 these regulations.

314 (2) ~~A cash~~ Deposit ~~cash~~ in an escrow account in
an amount equal to one hundred fifteen (115) percent of the
316 estimated cost.

318 (3) ~~Submit a~~ An irrevocable letter of credit per
~~section~~ Section 34-203. ~~Such irrevocable letter of credit shall be in~~
320 the penal sum of one hundred fifteen (115) percent of the estimated
cost.

322 (4) Any other alternative acceptable to the
324 ~~b~~Board of ~~e~~County ~~e~~Commissioners.

326 (e) *Environmental audit.* A ~~p~~Phase I environmental site
assessment (ESA) must be conducted in accordance with the latest
328 edition of the American Society for Testing and Materials (ASTM)
standard E-1527 (Phase I ESA Process). The county will require a
330 specified minimum off-site search distance of one-quarter (¹/₄) mile.
The minimum search distance may include areas outside the
332 adjoining properties and shall be measured from the nearest property
boundary. The ESA must be performed and signed by a Florida

334 registered professional engineer or geologist who is able to
336 demonstrate competence (i.e., education and previous experience)
in producing ESA reports.

338 A previous ~~p~~Phase I ESA may be used if it meets or exceeds
340 the requirement of ASTM E-1527 (except as modified herein) and
if the conditions of the property and area surrounding the property
342 are not likely to have changed materially since the previous ~~p~~Phase
I ESA. Should more than one ~~(1)~~-year have passed since the
344 completion of the last ~~p~~Phase I ESA, a current site reconnaissance
and records review will be required at a minimum. All supplemental
346 ~~p~~Phase I ESA documents must also be signed by a Florida licensed
engineer or geologist.

348 The results shall be provided to the ~~e~~County prior to
350 acceptance of all dedicated lands. Should environmental conditions
requiring any remedial activity, monitoring or regulatory action be
352 identified as a result of the ESA(s), the ~~e~~County will not accept any
dedications of such land until the conditions on the land are fully
354 addressed to the satisfaction of the ~~e~~County and all applicable
regulatory agencies.

356 (f) *Dedication.* All dedications of land required for
358 public purposes shall be ~~dedicated~~ made at no cost to the ~~e~~County
or other appropriate jurisdictional authority, provided that any
360 grantee of such a dedication is a signatory to the plat, or provides
the County with a separate duly executed, witnessed, and notarized
362 joinder in recordable form. If the property is encumbered by a
mortgage, the owner and mortgagee shall join in the dedication or
364 in some other manner subordinate the mortgagee's interest to the
dedication of the public property.

366 Should environmental concerns be identified as a result of
368 ~~the a study(ies)~~, the ~~e~~County will not accept any dedications of such
land until the conditions on the site are remediated to the satisfaction
of the ~~e~~County and all regulatory agencies.

370 (g) *Certification of payment of taxes.* Certification shall
372 be required showing that all due taxes have been paid in full and all
tax certificates against the land have been redeemed.

374 (h) *Certificate of title and encumbrances.* A current title
376 opinion prepared by an attorney at law licensed in Florida or a
property information report prepared by a Florida-licensed title
378 insurer, title agent, or title agency in accordance with Section
177.041, Florida Statutes, searched within ninety (90) days of the

380 initial plat submittal, shall be provided to the County. The title
382 opinion or property information report as specified herein shall, at a
minimum, identify all owners, mortgages, easements,
384 encumbrances, servitudes, and liens recorded in the public records,
and shall be certified to be true and correct. Title certification shall
386 be provided as required by F.S. ch. 177, pt. 1. The title opinion shall
also include all easements and any other encumbrances.

388 (i) *MSTU/MSBU requests.* Letters requesting creation
of municipal service taxing units (MSTU's) and/or municipal
390 service benefit units (MSBU's) for street lights, retention ponds or
other uses shall be submitted if required.

392 (j) *Outstanding liens.* Any capital improvement liens
394 existing on a parcel being subdivided must be paid in full as a
prerequisite of plat approval.

396 (k) *Deed restrictions.* The developer shall provide the
398 proposed declaration of covenants, conditions, and restrictions
(CC&R's) one (1) copy of all deed restrictions affecting the
400 subdivision for the County's review prior to the recording of the
plat, which The CC&R's shall include language providing that the
402 landscape plan submitted with the preliminary subdivision plan shall
be maintained in compliance with this Code. This landscape plan
404 compliance language cannot be changed without eCounty approval
and such landscape plan compliance enforcement shall be the
406 responsibility of the homeowners' association.

408 (l) *Concurrency.* The developer shall provide one (+)
410 copy of either a concurrency vested rights certificate or a capacity
reservation certificate.

412 **Secs. 34-134—34-150. —Reserved.**

414 [Rest of page intentionally blank]

416

Section 4. Effective Date. This ordinance shall become effective on August 1, 2021.

418

ADOPTED THIS _____ DAY OF _____, 2021.

420

422

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

424

426

By: _____
Jerry L. Demings, County Mayor

428

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

430

432

By: _____
Deputy Clerk

434

436

438

s: sstone ordinances code changes\pw ordinance - chapters 30 & 34 5-13-21 public works ordinance re chapters 30 34.docx