

**ARTICLE 5.3 DEDICATION AND IMPACT REQUIREMENTS**

**Section 5.3.1 Streets (Right-of-Ways):**

(A) **Dedication Required:**

(1) Streets, public or private, shall be shown on all subdivision plats as tracts dedicated for such purposes. When development occurs absent platting, such streets may be provided for through easements (private property) or dedication of right-of-way by deed (public property).

(2) When a street is contained entirely within a subdivision, the entire dedication shall be provided.

(3) When development is adjacent to an existing or planned street, the development shall be responsible for providing one-half of the ultimate right-of-way or such portion of the ultimate right-of-way which is yet undedicated and which is on that development's side of the ultimate right-of-way center line. In situations where there are unusual topographic features, greater or lesser dedications may be required.

(B) **Compliance with Thoroughfare Plans:**

(1) Dedication of right-of-ways shall be consistent with the Florida Department of Transportation Highway Plan, the Palm Beach County Thoroughfare Plan, and the Traffic Element of the City of Delray Beach Comprehensive Plan.

(2) Proposed streets shall be extended to provide access to adjoining property, as appropriate.

(C) **Standard Improvements:** The standard improvements which are to be accommodated in street right-of-way are:

- Travel lanes, including turning lanes;
- Parking lanes, where appropriate;
- Drainage devices either curb and gutter or swale systems;
- Pedestrian ways (sidewalks);
- Bicycle lanes or paths, where appropriate.

Such improvements shall be provided in accordance with design standards set forth in Section 6.1.2 and 6.1.3.

## SECTION 5.3.1 (D)

### (D) Right-of-Way Dimensions:

(1) Right-of-way shall be provided for Principal Arterials and Minor Arterials as shown for ultimate right-of-way width in Table T-1 of the Transportation Element of the Comprehensive Plan. **[Amd. Ord. 29-98 8/18/98]**

(2) The following right-of-way width is required for the category of other streets as identified, except as otherwise provided in the Table T-1 of the Transportation Element: **[Amd. Ord. 29-98 8/18/98]**

STREET TYPE	WIDTH IN FEET
County Collector	80
City Collector	80
Local Commercial / Industrial Street	60
Local Residential Street	
• Without Curb and Gutter	60
• With Curb and Gutter	50
Alleys	20, Or Existing Dominant Width

(3) **Additional Width:** Additional right-of-way width may be required to promote public safety and welfare; to provide for stormwater management; to provide adequate area for street trees; and to assure adequate access, circulation, and parking in high intensity use areas. Such a determination shall be advanced by a recommendation from the City Engineer and may be based upon the results of a traffic study or general knowledge of the City. The authority for requiring such additional right-of-way shall rest with the body having the approval authority of the associated development application. **[Amd. Ord. 29-98 8/18/98]**

(4) **Reduction in Width:** A reduction in the required right-of-way width established in Subsection (D)(2), above, may be granted by the body having the approval authority of the associated development application in developments in which new streets are created. For existing streets, reductions in right-of-way width may be granted by the City Engineer upon a favorable recommendation from the Development Management Services Group (DSMG). Reductions in the required right-of-way width may be granted pursuant to the following: **[Amd. Ord. 29-98 8/18/98]**

- (a) The reduction is supported by the City Engineer. Nonsupport by the City Engineer may be appealed to the City Commission. **[Amd. Ord. 9-02 3/5/02]**

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- (b) That requiring full dedication would constitute a hardship in a particular instance and that all required improvements will be provided in a manner which will not endanger public safety and welfare
- (c) That acceptable, alternative provisions are made to accommodate features which would otherwise be accommodated within the right-of-way e.g. alternative drainage systems, alternative pedestrian walkways, alternative on-street parking, etc.

(E) **Improvement Obligations:** Concurrent, or prior to, construction associated with an approved development application, the development shall provide for the construction of improvements as identified in Section 5.3.1(C), off-site improvements as imposed as conditions of approval as well as improvements identified under Section 6.1.2 (A). **[Amd. Ord. 12-99 3/16/99]**

(F) **Street Names:**

(1) A proposed new street which is in alignment with or a continuation of an existing street shall have the same name as the existing street unless there is a clear delineation, or break, in the function of the street and such change in name is acceptable to the Fire Marshall.

(2) In no case shall new streets have names or numbers which duplicate or which are phonetically similar to existing street names, regardless of the prefix or suffix used e.g. "avenue", "boulevard", "crescent", "court", "drive", "way", "place", "street", "terrace", etc.

### Section 5.3.2 **Park Land Dedication:**

(A) **Dedication Required:** Whenever a development is proposed upon land which is designated for park purposes in the Comprehensive Plan or required to be dedicated pursuant to policies of the Plan, dedication of such land shall be made prior to approval of any development request on such property with the exception of annexation and or zoning. Dedication shall be made through platting.

(B) **Limitation on Dedication Requirement:** However, the degree to which dedication without compensation is imposed shall be limited to the following:

(1) In a single family subdivision with lot sizes of 12,500 sq. ft. or less, an amount of land equal to 8% of the total subdivision shall be dedicated

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(2) In a single family subdivision with lot sizes in excess of 12,500 sq. ft., an amount of land equal to 5% of the total subdivision shall be dedicated.

(3) For multiple family projects, planned residential developments (PRD's), hotels, motels, or resort dwelling developments, such dedication shall be at the rate of five (5) acres per 1,000 persons projected to reside in the proposed development. For the purpose of this Section, an occupancy factor of 2.31 persons per unit shall be used and there shall be no vacancy factor.

(C) **Impact Fee Required:** Whenever a development is proposed upon land which is not designated for park purposes in the Comprehensive Plan, an impact fee assessed for the purpose of providing park and recreational facilities shall be imposed.

(1) The amount of the fee shall be \$500 per dwelling unit regardless of the size or occupancy of the unit.

(2) The fee shall be assessed against the following type of development:

- (a) single family homes
- (b) duplexes
- (c) multiple family dwelling units
- (d) motels, hotels, residential inns,
- (e) resort dwelling units

(3) The impact fee for single family dwellings shall be imposed and collected upon first development of the lot and collected at the time of issuance of the building permit. Upon redevelopment of a lot, an impact fee credit shall be given for the demolition of any structure built after February 23, 1982. No credit shall be given for structures built prior to February 23, 1982 and a park impact fee is due upon issuance of a building permit. **[Amd. Ord. 34-09 8/18/09]; [Amd. Ord. 9-92 3/11/92]**

(4) The impact fee for all other types of development shall be imposed for each structure/dwelling unit and collected at the time of issuance of a building permit. If such development involves previously permitted and inhabited dwelling units which must be demolished that were constructed after February 23, 1982, a credit for each dwelling unit demolished shall be applied. If the structure/dwelling unit to be demolished was constructed before February 23, 1982, no credit shall be issued and a park impact fee will be required at issuance of a building permit. If the development involves a lot that has been subdivided since the initial impact fee was paid, a new impact fee shall be imposed for each new structure/dwelling unit on each new lot. **[Amd. Ord. 34-09 8/18/09]; [Amd. Ord. 9-92 3/11/92]**

**Section 5.3.3 Water and Sewer Systems:**

(A) **Rule:**

(1) Whenever subdivision occurs or a development requires the extension of water and/or sewer facilities as provided through the City of Delray Beach Utilities Department, the developer shall comply with all pertinent regulations, controls, and standards as stipulated by the City, the County, and the State. Such compliance shall ensure future users with an adequate water distribution system and sewerage collection system.

(2) Whenever subdivision or development occurs on property where water and/or sewer facilities are proposed by the Comprehensive Plan or any Water and/or Sewer Master Plan, provisions shall be made for the accommodation of such facilities.

(B) **Plans Required:** Plans, sufficient for the step in the review process, shall be provided pursuant to Sections 2.4.3(D) and 2.4.3(F). Approval of such plans shall be pursuant to Section 2.4.6(L).

(C) **Dedication Required:**

(1) Water and sewer mains and appurtenances thereto, e.g. a fire hydrant, shall be shown on all subdivision plats within easements or right-of-ways dedicated for such purposes. When development occurs absent platting, such mains may be contained within easements (private property) or dedication of right-of-way by deed (public property).

(2) Sites for City lift stations and water storage facilities shall be shown within a tract dedicated for such purposes. Such tracts shall then be conveyed to the City in fee simple interest.

(D) **Off-Site Impact Assessment:** At the time of platting or site plan approval, as appropriate, an investigation shall be made with respect to the items delineated in the following subsections (1) through (4). An initial assessment shall be made by the Director of Utilities; however, if additional information is needed or special investigations are required, such items may be required as a part of the submission materials associated with the development application.

(1) **Lift Stations:** Adequacy of downstream lift stations and their ability to accommodate flows from the proposed development, existing development, and from previously approved but not yet built development proposals which will continue to be valid at the time of approval of the new development application.

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(2) **Water Storage**: Adequacy of water storage capacity in terms of providing water storage reserve required by level of service standards and for providing water pressure sufficient for fire suppression at the site given demands from the proposed development, existing development, and from previously approved but not yet built development proposals which will continue to be valid at the time of approval of the new development application.

(3) **Water Pressure**: Adequacy of water pressure in terms of accommodating normal domestic and/or commercial use and in providing sufficient pressure for fire suppression.

(4) **Assessment of Support System**: Adequacy of the appropriate collection or distribution system with respect to condition of mains, the sizing of mains, and the current capacity of those mains.

### (E) **Improvements Required**:

(1) In addition to providing water and sewer systems and system components necessary to adequately serve the proposed development, approval of a development application may be conditioned with the construction of improvements which are required to mitigate any adverse impacts determined in Subsection (D), above. Such improvements may include, but not be limited to:

- Upgrade and/or replace lift stations or their components
- Install a new lift station
- Install a new water storage tank
- Loop water mains, on or off site, in order to increase reliability of water flows and pressure
- The replacement of deteriorated mains
- The upgrading in size of existing mains

(2) When a master plan facility is required on, or for, the property being developed the developer shall provide for the standard installation plus any additional increment which is required to serve his project. The City shall participate in the cost for any additional increase in sizing or construction which is predicated upon the proposed facilities pursuant to the Comprehensive Plan or any Master Sewer and/or Water Plan.

(F) **Mains to be Extended**: Wherever development occurs which is subject to site plan and/or subdivision approval, water and sewer mains shall be extended from their existing terminus to the furthest boundary of the property involved in order to provide for the continuation of service. However, such extension shall not be required if, in the opinion of the City Engineer, it is determined that there is no reasonable need

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for such an extension in that there will be no use of it. Where it may not be practical to actually install such facilities concurrent with development of the proposed project, this obligation may be met through the payment of cash. In this latter situation, easements for the mains shall be required.

(G) Deleted in its entirety. **[Amd. Ord. 10-97 2/18/97]**

### Section 5.3.4 Drainage Systems:

(A) **Rule:**

(1) Whenever development occurs, provisions must be made to accommodate drainage which flows from the developed property.

(2) Whenever development occurs on property where drainage facilities are proposed by the Comprehensive Plan or any Storm Drainage Master Plan, provisions shall be made for the accommodation of such facilities.

(B) **Plans Required:** Plans, sufficient for the step in the review process, shall be provided pursuant to Sections 2.4.3(D) and 2.4.3(F). Approval of such plans shall be pursuant to Section 2.4.6(L).

(C) **Dedication Required:**

(1) Drainage facilities shall be shown on all subdivision plats within easements or right-of-ways dedicated for such purposes. When development occurs absent platting, such facilities may be contained within easements (private property) or dedication of right-of-way (public property).

(2) Sites for retention of drainage shall be shown within a tract dedicated for such purpose (i.e. a lake management tract). Provisions for the perpetual maintenance of such tracts must be provided on the plat.

(D) **Drainage Assessment:** Any development application which deals with actual improvements (site plan, engineering plans) shall be accompanied by a drainage assessment in which a plan for retention of drainage pursuant to adopted levels of service and the standards of Section 6.1.9 shall be provided.

(E) **Improvements Required:**

(1) In addition to providing drainage facilities necessary to adequately serve the proposed development, approval of a development application may be conditioned with the construction of improvements which are necessary to convey drainage from the site or adjacent property through the site which is being developed and to a natural drainage course, canal, or municipal facility.

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(2) The City shall participate in the cost for any additional increase in sizing or construction which is predicated upon the proposed facilities pursuant to the Comprehensive Plan or any Master Drainage Plan.

(3) Drainage facilities shall be extended from their existing terminus to the furthest boundary of the property involved in order to provide for the continuation of service. However, such extension shall not be required if, in the opinion of the City Engineer, it is determined that there is no reasonable need for such an extension in that there will be no use of it. Where it may not be practical to actually install such facilities concurrent with development of the proposed project, this obligation may be met through the payment of cash. In this latter situation, easements for the mains shall be required.

(F) **Storm Water Drainage Utility Fee**: Refer to Chapter 56 of the City Code.