

Project No: \_\_\_\_\_

Project Name: \_\_\_\_\_



400 ALEXANDRIA BOULEVARD • OVIEDO, FLORIDA 32765

[www.cityofoviedo.net](http://www.cityofoviedo.net)

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**RIGHT-OF-WAY UTILIZATION TYPE II PERMIT**

A Right of Way Type II Permit is required for road construction, utility, stormwater facilities, and other major work installed or maintained within the City of Oviedo R.O.W. and / or improvements dedicated to or maintained by the City. All construction must adhere to the Oviedo Land Development Code, Engineering Standards Manual and other applicable regulations. All utilities must be notified 48 hours prior to excavation within the R.O.W. Bore and Jack operations beneath the pavement, and all approved pavement cuts must be performed in the presence of an authorized City representative. Provide 24 hours advance notice for all inspections.

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**GENERAL INFORMATION**

1. Project Name: \_\_\_\_\_

2. Project Address or Parcel ID No.: \_\_\_\_\_

3. General Location: \_\_\_\_\_

4. Description of Work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

6. Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Owner Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Development Review Division

**FOR OFFICE USE ONLY**

Project No: \_\_\_\_\_

Project Name: \_\_\_\_\_

7. Consultant Name: \_\_\_\_\_

Consultant Address: \_\_\_\_\_

Consultant Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

8. Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

Contractor Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

9. Expected Date of Commencement: \_\_\_\_\_ Expected Date of Completion: \_\_\_\_\_

10. Date of Pre-Construction Meeting: \_\_\_\_\_

11. Date of Approved Construction Plans: \_\_\_\_\_

**RIGHT-OF-WAY TYPE II SUBMITTAL REQUIREMENTS**

1. Application Fee- \$1,150.00 (Resolution No. 1794-08)
2. Itemized Engineers Estimate (of improvements dedicated to and/or maintained by the City)
3. Quality Control Fee (3.5% of dedicated and/or maintained improvements of \$350.00, whichever is greater)
4. All applicable state contractors licenses attached.
5. Original Certificate of Insurance Attached (naming the City of Oviedo as Certificate Holder and indicating General Liability, Automobile Liability, and Workers Compensation coverages).
6. Maintenance of Traffic Plan
7. Applicable Agency Permits (FDOT, Seminole County, etc).
8. Profile and Cross Section (For Excavation Only)

**CERTIFICATION**

I hereby certify to the best of my knowledge and belief that all information submitted with this application is true and accurate.

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Name and Title (printed or typed)**

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**Section 3.4 Development Permits**

**A) General:** A development permit authorizes the actual commencement of tree removal; land clearing, grading, or excavation; paving; utility service installation; construction within City right-of-way; construction of buildings or other structures; or the use of land for an approved special event. Development permits include the following:

- 1) Building Permit
- 2) Clearing, Grading, and Tree Removal Permit
- 3) Commercial Tree Harvest Permit
- 4) Right-of-Way Utilization Permit
- 5) Sign Permit
- 6) Site Construction Permit
- 7) Special Event Permit

**B) Review Process**

- 1) **Pre-Application:** It shall be the responsibility of the Applicant to request and obtain all required application forms and information that constitute a sufficient application. Prior to submitting an application, the Applicant may schedule a pre-application conference with the Land Use Administrator, or designee.
- 2) **Application Submittal:** The Applicant shall submit a sufficient application including the application form, required plans, supporting information, power of attorney (to allow parties to act on behalf of the Applicant and/or property owner), and all applicable fees to the Land Use Administrator for review. The application shall also include a description of and justification for any requested deviation to a LDC minimum requirement per Article II, Administration, Section 2.6, Flexibility in Administration.
- 3) **Sufficiency Review**
  - a) Upon receipt of an application, the Land Use Administrator or designee shall conduct a sufficiency review to determine if the application contains all required forms, plans, supporting information, and fees. Following the review, the Land Use Administrator or designee will notify the Applicant that the application is either sufficient or insufficient for review.
  - b) If the application is found sufficient, the notification shall inform the Applicant of the requirements for compliance review.
  - c) If the application is found insufficient, the notification will list the information that must be submitted for the application to be found sufficient. Prior to submittal of the required information, the Applicant may request a meeting with the Land Use Administrator to review the notice of insufficiency and the information that must be submitted to constitute a sufficient application. Upon submittal of the required information, the Applicant shall pay an insufficient review fee.

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**4) Compliance Review**

- a) A sufficient application will undergo a compliance review to determine if the application:
  - i) Is consistent with the Comprehensive Plan; and
  - ii) Complies with applicable requirements of this Land Development Code, Florida Building Code, *Engineering Standards Manual*, Florida Fire Prevention Code, or other applicable codes and standards.
- b) If the approving authority determines that the application fails to comply with one or more of the above requirements, it shall find the application non-compliant. Upon the issuance of a notice of non-compliance by Land Use Administrator, the Applicant shall have sixty (60) days in which to submit an amended application addressing the non-compliance finding(s). Upon submittal of the amended application, the Applicant shall pay a non-compliance review fee. Submittal of an amended application after sixty (60) days of the issuance of a notice of non-compliance shall constitute a new application. The Applicant may also appeal the non-compliance finding(s) as provided for in Article II.
- c) The Applicant may amend the application prior to approving authority's consideration of the application. The Applicant may also agree to amend the application during the approving authority's consideration of the application. Said amendments must be made prior to the issuance of the development permit.
- d) The approving authority may attach to the development permit any reasonable conditions or requirements in addition to those specified above. Such additional conditions or requirements shall be entered on the development permit and are enforceable in the same manner and to the same extent as the requirements specified above.

**5) Issuance of Development Permit:** For purposes of this Section, a development permit is issued when the approving authority delivers a copy of the fully executed permit to the Applicant. When an application is found to be compliant, a development permit shall be issued by the approving authority.

**6) Permit Display:** The development permit shall be located and maintained upon the site at all times until final inspection or the issuance of a certificate of occupancy, as applicable. For new developments, the permit shall be attached to the "posting board" with other permits. For existing developments and existing single family residences, the permit shall be displayed so that it is easily visible from the street.

**7) Progress Conferences:** At any time during the review process, the Applicant may request a Progress Conference with the Land Use Administrator or designee. Progress Conferences are encouraged and may assist in expediting the approval of the development permit application.

**8) Abated Application:** An application shall be abated when no activity occurs for six (6) consecutive months. The Land Use Administrator shall issue a Notice of Abated Application to the Applicant. Any submittal after the issuance of a Notice of Abated Application shall require the payment of an Abated Application fee and must comply with any amendments to this LDC, the Florida Building Code, the *Engineering Standards Manual*, or Fire Prevention Code adopted after the last review of the application.

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- 9) Abandoned Application:** An application shall be abandoned when no activity occurs for twelve (12) consecutive months. The Land Use Administrator shall issue a Notice of Abandoned Application to the Applicant. Any submittal after the issuance of a Notice of Abandoned Application shall constitute a new application.
- 10) Effect of Site Development Permits on Successors and Assigns:** Development permits are transferable. However, so long as the land or structure or any portion thereof covered under the development permit continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development permit) may make use of the land except in accordance with the conditions and requirements of the development permit. The provisions of the development permit run with and burden the real property to which it relates until release or amended in accordance with formal action of the City.
- 11) Amendment to an Approved Development Permit:** An application to amend an approved development permit shall be processed and reviewed in the same manner as the application for the approved development permit.
- 12) Expiration:** Development permits, unless otherwise provided in other applicable regulations, shall expire six (6) months after the issuance, or last passed inspection. A time extension may be granted on the basis of good cause demonstrated to the Land Use Administrator or designee.
- 13) Non-Conforming Situations:** Notwithstanding any of the provisions of Article VII, Non-Conforming Situations, this Section shall be applicable to development permits issued prior to the date this Section becomes effective.
- 14) Maintenance of All Areas, Improvements, and Facilities:** The recipient of a development permit, or his successor, shall be responsible for maintaining all areas, improvements, or facilities required by this LDC or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, drainage areas and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be maintained in a state of vigorous good health and immediately be replaced if they die or are destroyed. Canopy trees required for shading or buffering, must be maintained according to their natural growth form and shall not be excessively pruned without approval from the City.
- F) Right-of-Way Utilization Permits:** Right-of-way utilization permits are required for road, drainage, driveway, sidewalk and other construction activity within the City of Oviedo Right-of-Way. A single permit may be issued for all work covered by a site development order. A pre-construction meeting may be required. Inspections (with 24 hours notice) are required before, during, and at the end of construction.
- 1) General Guidelines:** The guidelines listed below are general in nature with the specific construction requirements in the *Engineering Standards Manual*.
- a)** All subsurface utilities must provide a minimum of 36 inches of cover unless otherwise approved by the Administrator.

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- b) No open cuts in pavement are allowed without permission of the City Engineer.
  - c) All earthwork shall conform to the requirements of the *Engineering Standards Manual*.
  - d) All work beyond five (5) feet of a roadway must be compacted to conform to the requirements of the *Engineering Standards Manual*.
  - e) All concrete sidewalk and driveway construction shall be performed on compacted subgrade. Applicant must provide continuous on-site supervision until concrete has set sufficiently to eliminate the possibility of footprints or graffiti in the finish. Concrete that is damaged by sever marks shall be removed and replaced.
  - f) Bore and jack operations beneath the pavement and approved pavement cuts must be performed in the presence of an authorized City representative. Twenty-four (24) hour notice is required.
  - g) All utility companies must be notified prior to excavation within an existing right-of-way.
- 2) **Type I Permit:** Type I permits are issued for residential driveways, sidewalks, walls and fences.
- 3) **Type II Permit:** Type II permits are issued for road construction, stormwater facilities, and all final site improvements related to an approved Development Order.
- 4) **Prohibitions**
- a) Construction of substantial structures (such as walls) within the City right-of-way is prohibited.
  - b) No private sign is permitted in the City right-of-way.
- 5) **Time Limit:** The permit shall be considered valid for sixty (60) days beginning on the date of issuance, except that permits attached to site development orders shall adhere to the expiration time frame of the site development order. If work does not commence before the expiration date, the permit shall be considered void and re-application will be necessary. Work must be completed by the completion date indicated on the application. Work that is not completed by that date may be subject to a stop work order, re-application, additional fee, or other remedy as may be required by Council.
- 6) **Restoration:** No person shall use City right-of-way or easement for any purpose required by this Section and the *Engineering Standards Manual* without first obtaining a permit. In the event that the City rights-of-way or easements are used and/or construction takes place without a permit, the person shall remove any constructed facility, restore the area to its original condition and cease any non-permitted use, upon written notice of the permit- issuing authority.
- 7) **Utility Installation, Maintenance and Repair by Franchised Utilities:** Utilities operating in accordance with a valid City franchise shall comply with Section 3.4(G)(1) in installing, maintaining and repairing any facilities authorized under the franchise. The franchised utility shall provide five (5) work days advance notice to the City Engineer of its intent to install underground utility lines in the City right-of-way within the franchise area and forty-eight (48) hours notice before maintaining or repairing utility lines or facilities in the City right-of-way. In the case of emergencies, notice shall be filed as soon as practicable thereafter. The notice shall clearly identify the locations of the installation.

Project Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

**RIGHT-OF-WAY TYPE II PERMIT APPLICATION SUFFICIENCY CHECKLIST**  
**If Not Applicable, provide justification**

<b>Item No:</b>	<b>Checklist Item</b>	<b>Yes</b>	<b>No</b>	<b>Location in Submittal</b>	<b>Comments/Justification</b>
<b>GENERAL INFORMATION</b>					
<u>1</u>	Project Name				
<u>2</u>	Project Address or Parcel ID Number				
<u>3</u>	General Location				
<u>4</u>	Description of Work				
<u>5</u>	Applicant Name, Address, Telephone, E-mail, Fax				
<u>6</u>	Owner Name, Address, Telephone, E-mail, Fax				
<u>7</u>	Consultant Name				
<u>8</u>	Contractor Name				
<u>9</u>	Date of Start/End				
<u>10</u>	Date of Pre-Con Meeting				
<u>11</u>	Date of Approved Construction Plans				
<b>RIGHT-OF-WAY TYPE II SUBMITTAL REQUIREMENTS</b>					
<u>1</u>	Application Fee				
<u>2</u>	Itemized Engineers Estimate				
<u>3</u>	Quality Control Fee				
<u>4</u>	State Contractor's License				
<u>5</u>	Original Certificate of Insurance				
<u>6</u>	Maintenance of Traffic Plan				
<u>7</u>	Applicable Agency Permits				
<u>8</u>	Profile and Cross Section (For Excavation Only)				
<b>CERTIFICATION</b>					
<u>1</u>	Certification Form Completed/Signed				