

**Legislative No. 050256**

**Single Family Infill**

Section 30-187 (b)(2)

Dimensions. The lot size, width, depth, shape and orientation shall be appropriate for the subdivision and for the type of development and use contemplated. Lot dimensions and street abutment requirements shall not be less than the minimum standards established in article IV. Lots in areas shown on the land use map for single-family use or residential planned unit development for single-family detached units shall front on local access street wherever feasible. For development sites of five acres or less, the lot size and dimensions must be generally consistent with abutting/adjacent lots and the following regulations apply. The minimum lot width of new parcels created by a subdivision or lot split shall be no less than 75% of the average width of existing abutting lots, but shall not be required to be greater than 150 feet and may not be less than the minimum required in article IV. The lot(s) created must meet this minimum requirement at the front setback line (as opposed to the minimum front yard setback) and the rear property line. The minimum lot width requirement shall not apply if a 35 foot natural or planted buffer is created as a perimeter buffer around the development, the perimeter buffer may include storm water facilities and must be approved by a majority of the abutting property owners.

*City of*  
*Gainesville*

Inter-Office Communication

Planning Division  
X5022, FAX x2282, Station 11

Item No. 7

**TO: City Plan Board**

**DATE: September 15, 2005**

**FROM: Planning Division Staff**

**SUBJECT: Petition 122TCH-05 PB. City of Gainesville. Amend the development review process for subdivision approval to allow city staff to approve design plats of 5-19 lots, and to modify the requirements for subdivision approval**

**Recommendation**

Planning staff recommends approval of this petition.

**Explanation**

Recently, the Plan Board reviewed a petition that amended the development review process. In order to be consistent with those proposed changes, staff is recommending that the subdivision of land process be amended to comply with the recommended provisions. The current process requires all design plats of more than 5 lots to be reviewed by the Development Review Board. The proposed amendment will allow staff to approve design plats of 5-19 lots instead of the Development Review Board. The City Commission has final approval authority of all plats.

During the review of this petition, the Board should consider how much flexibility the developers should be allowed to change a design plat after it has been approved. The local Builder's Association has proposed that the design plat should be flexible enough to allow the layout of the subdivision to change as long as the number of lots proposed in the design plat does not increase. The attached amendment does not address this issue.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

RH

# Proposed Amendment

## DIVISION 2. SUBDIVISIONS AND STREET VACATION\*

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\***Cross reference(s)**--Buildings and building regulations, Ch. 6; housing, Ch. 13; parks and recreation, Ch. 18; streets, sidewalks and other public places, Ch. 23; utilities, Ch. 27.

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### **Sec. 30-180. Purpose and intent.**

This article is intended to provide direction and standards for the division of land in a manner that would facilitate aid in the coordination of land development in accordance with orderly physical patterns; to encourage development of an economically stable and healthful community; to ensure proper identification, monumentation and recording of real estate boundaries; to ensure that adequate and necessary physical improvements of lasting quality will be installed in subdivisions by the subdividers and that taxpayers will not bear this cost; to provide for safe and convenient vehicle, bicycle, pedestrian and transit access; to provide an efficient, adequate and economic supply of utilities and services to new land developments; to prevent periodic or seasonal flooding and to protect groundwater and surface water quality through provision of protective flood control and stormwater management facilities; to help conserve and protect physical and scenic resources; to promote the public health, safety, comfort, convenience and general welfare; and to implement the city's comprehensive plan.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 960061, § 2, 6-8-98)

### **Sec. 30-181. Requirements of subdivision.**

To effectuate the purpose and intent of this article, every subdivision of land or lot split within the city shall be made in accordance with the requirements specified in this article. Except for a minor subdivision or lot split, as provided for in section 30-189, and single lot replatting, as provided in section 30-191, such requirements include a pre-application conference, as provided in section 30-182; obtaining design plat approval, as provided in section 30-183; obtaining construction plan approval, as provided in section 30-184; obtaining final plat approval, as provided in section 30-185; constructing required public improvements, as provided in section 30-188; and supplying bonds or other security for the construction and maintenance of such improvements, as provided in section 30-186. Proposed residential subdivisions must meet the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular review stage), or certificate of conditional concurrency reservation.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4012, § 1, 8-22-94; Ord. No. 960061, § 3, 6-8-98)

**Sec. 30-182. Pre-application conference/First Step.**

- (a) *Required.* Prior to the preparation of a design plat, the subdivider shall seek the advice of ~~the technical review committee~~ city staff to become familiar with the subdivision requirements, city policies and provisions of the comprehensive plan, ~~and official roadway map affecting the territory in which the proposed subdivision is located.~~ The subdivider ~~shall submit~~ is encouraged to bring the plans and data required in subsections 30-182(c) and 30-182(d) so as to clearly show existing conditions of the site and its vicinity and the proposed layout of the subdivision. It is intended that the procedure will assist the subdivider in preparing a plat which will meet the requirements of this article. This procedure does not require a formal application or fee.
- (b) *Prohibited or discouraged designs or improvements.* As indicated in this article and further referenced in the design manual, certain practices, designs or improvements are discouraged or prohibited. If prohibited, a modification will be required pursuant to subsection 30-1942(c) in order for the same to be allowed. If discouraged, the same may be allowed by the city commission depending on a proper showing of necessity (less than that required for a modification) and the infeasibility of requiring the preferred practices, designs or improvements when applied to the particular circumstances involved.
- (c) Concept Review (Sketch drawing).
- (1) The applicant may submit an application for the optional concept subdivision review. Concept review for subdivision of land consisting of more than 20 lots may be reviewed by city staff. A sketch shall be submitted by the subdivider for a review by ~~the City Staff, technical review committee and other appropriate agencies.~~
- (2)
- (2) The sketch shall contain the following data:
- a. Approximate tract boundaries;
  - b. Approximate location with respect to section lines;
  - c. Streets on and adjacent to the tract;
  - d. Proposed general street layout;
  - e. Environmental features including but not limited to significant topographical and physical features including creeks, uplands, lakes and wetlands, and heritage trees;
  - f. Generalized existing vegetation;
  - g. Proposed general lot layout and the total number of lots;
  - h. Existing buildings on the property; and
  - i. ~~Proposed phasing plan.~~
  - h Land use and zoning designation of the subject property.
  - j. Generalized stormwater management plan

- (3) As far as may be practicable on the basis of a sketch, staff will, without prejudice to the city, advise the subdivider, ~~within 15 working days~~ of the extent to which the proposed subdivision conforms to the standards of this chapter and other applicable ordinances or statutes, and will discuss possible plat modifications necessary to secure compliance and whether a traffic study will be required.

The review schedule for concept subdivision plans shall follow the same submittal and review schedule for development plans.

- ~~(d) Map showing adequate collector system. Accompanying the sketch shall be a map available from the department of community development, showing the following features:~~
- ~~(1) The map shall be drawn to the scale of no smaller than one inch equals 1,000 feet.~~
  - ~~(2) The map shall show the nearest perimeter of arterial roads, both existing and planned on the official roadway map, located within two miles of the land on which the plat is located. If there are no arterials for two miles on any side, a note to that effect shall be provided.~~
  - ~~(3) The map shall show the collector roads, both existing and planned on the official roadway map, serving the area. Before any plat is accepted for any area, adequate collectors, planned or existing, shall be designated by the city to service all of the developable areas within the perimeter of arterials in the vicinity of the proposed subdivision so as to coordinate the proposed subdivision transportation system with that permissible and appropriate under the comprehensive plan, assuming those vacant developable portions are completely developed in accordance with the current land use plan. The designation of collectors may proceed concurrently with the review process. Approval of any subdivision by the city commission shall not be delayed more than 45 days from the requested design plat review date to allow the designation of appropriate collectors to serve the subdivision.~~

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 960061, § 4, 6-8-98)

### **Sec. 30-183. Design plat requirements and approval.**

- (a) *Generally.* Following the preapplication conference and the public notice process, and prior to any subdivision of lands, the subdivider shall first obtain approval of a design plat for 5 – 19 lots from City Staff, and 20 or more lots from the development review board and city commission, pursuant to the procedures and specifications provided in this article. Prior to the recording of an approved final plat, or prior to the conditional approval of a final plat, clearing and grubbing of land, tree removal and the construction of improvements is expressly prohibited. ~~Following a pre-application conference on a parcel, the requirements of subsection 30-183(a) become applicable and supersede any other regulation on tree removal.~~
- (b) *Application.* To obtain design plat approval, the subdivider shall submit an application and the appropriate filing fee to the department of community development, on such form as provided by the department. Each application

shall include multiple copies of the design plat as necessary to facilitate the review process, prepared in accordance with the standards specified in Article VII, Division 1, of this chapter and including all of the items required by subsection 30-183(e). Proposed residential subdivisions must meet the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary concurrency or certificate of conditional concurrency reservation.

- (c) *Fees.* The fee required with an application for design plat approval shall be in accordance with the schedule set out in Appendix A of the City Code. Such fees are required to defray the cost of filing the application, notifying interested parties, conducting investigations, and holding hearings on the design plat and final plat.
- (d) *Developments of regional impact.* For any subdivision which is presumed to be a development of regional impact as provided in F.S. Ch. 380 and Chapter 27F, Florida Administrative Code, additional copies of the design plat and a completed application for development approval shall be submitted for filing with the regional planning agency and the state land planning agency.
- (e) *Specifications.*
  - (1) The design plat shall be drawn clearly and legibly at a scale of at least one inch equals 100 feet on linen or stable base film, using a sheet size of 24 inches [by] 36 inches, reserving a three-inch binding margin on the left side and a one-inch margin on the other three sides. If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet. The design plat shall be prepared by a land surveyor, signed and sealed before review, and shall contain the following information:
    - a. Proposed name of the subdivision;
    - b. Name and registration number of surveyor;
    - c. Date of survey approval, north point with bearing or azimuth reference clearly stated in the notes or legend, graphic and written scale, and space for revision dates;
    - d. Vicinity map showing location with respect to major roads and acreage of the subdivision;
    - e. Boundary line of the tract by bearings and distances;
    - f. Legal description of the tract to be subdivided;
    - g. Preliminary layout including streets, alleys and easements with dimensions and proposed street names, lot lines with approximate dimensions, land to be reserved or dedicated for public uses, and designation of any land to be used for purposes other than single-family dwellings;
    - h. Total number of lots;
    - i. The front building setback line for each lot; and

- j. An inscription stating "NOT FOR FINAL RECORDING."
  - k. Sidewalks, on all streets, on both sides, and at least five feet wide. Sidewalks not required on cul-de-sac or dead end or loop less than 100 feet long. Sidewalk required on at least one side of street on cul-de-sac or dead end or loop from 100 to 250 feet long, and for a project in which the closest lots to a connecting street on a cul-de-sac or dead end are at least 1,000 feet from the street it stems from. Sidewalks on both sides on cul-de-sac or dead end or loop greater than 250 feet long.
- (2) The design plat shall also contain or be accompanied by:
- a. The name, address and telephone number of the property owner and of any agent of the property owner involved in the subdivision of the property;
  - b. ~~The names of owners of any unplatted abutting property and the approximate acreage of the property.~~
  - c. The exact locations, names and widths of all existing streets, alleys and recorded easements within and immediately adjoining the subdivided lands;
  - d. The location and a general description of any utilities facility on the subdivision tract;
  - e. The invert elevation of existing and proposed sewers;
  - f. The location and size of existing improvements on the subdivision tract;
  - g. The zoning and land use plan designations of lands within the subdivision tract and of abutting property;
  - h. Natural and manmade features on the subdivision tract, including creeks, ponds, lakes, sinkholes, wetlands, watercourses, municipal and community wellfield management zones, major aquifer recharge areas, and lands within the floodplain and flood channel as shown on the city's adopted flood control maps or FEMA maps when not shown on the City Flood Control maps;
  - i. The location of all major tree groupings and identification of all Heritage trees by genus and species on the subdivision tract, a designation of which tree groupings and Heritage trees are proposed to be removed, and identification by genus and species of all regulated trees as defined in section 30-254 located in or within 15 feet of any proposed right-of-way or utility improvement.
  - j. Complete Stormwater Mangement Plans in accordance with Section 30-270 and the Public Works Design. Manual. ~~Surface drainage with direction of flow, names and locations of drainage basins and subbasins, an analysis of the adequacy of downstream stormwater conveyance systems to accommodate the rate and~~

~~volume of stormwater runoff expected from the proposed subdivision, both during construction and after development, and an indication of the proposed method of disposition including a plan of retention or detention facilities with surface dimensions and depth;~~

- k. A soil survey map;
  - l. A generalized statement outlining, as far as is known, the subsurface conditions of the subdivision tract, including subsurface soil, rock and groundwater conditions, the location and results of any soil permeability tests, The location of any underground storage tanks, and the location and extent of any muck pockets;
  - m. A topographic map of the subdivision tract prepared by a land surveyor, with maximum intervals of one foot where overall slopes are no more than two percent, two feet where slopes are between two and ten percent, and five feet where slopes are ten percent or greater based on National Geodetic Survey datum; and
  - n. A general location map showing the relationship of the subdivision tract to such external facilities as streets, residential area, commercial facilities and recreation/open space areas, and greenways, within one mile of the tract.
- (3) If the proposed subdivision contains land located within the floodplain as shown on the city's adopted flood control maps or FEMA maps, the subdivider shall be required to submit topographic information for areas adjoining sides of the channel, cross sections for land to be occupied by the proposed development, high water information, boundaries of the land within the floodplain and other pertinent information. FEMA maps shall only be used when the property is not located on the city's adopted flood control maps.
- (4) If the proposed subdivision contains land located within the surface water and wetlands or uplands district the subdivider shall be required to submit the following additional information for those areas designated:
- a. ~~A classification of existing vegetation on the subdivision tract according to the Florida Land Use, Cover, and Forms Classification System.~~
  - b. A vegetation overlay at the same scale as the design plat showing special protection species of plants and animals, and heritage trees.
  - c. A design plat showing buffer distances between areas to be developed and designated surface water and wetland, or upland environmental features.
  - d. Square footage and percent of total subdivision tract to consist of impervious surface.
  - e. A description of strategies to protect or restore environmental



features and special protection species on the subdivision tract.

- f. Projected on-site and off-site water quality impacts to Outstanding Florida Water (OFW) which may result from the proposed subdivision.

(f) *Officials' examination.*

- (1) Prints of the design plat shall be referred by the department of community development to the technical review committee and other applicable departments and agencies for review and findings. The officials involved shall report their findings and recommendations to the department of community development.
- (2) The director of public works or designee ~~and the city traffic engineer~~ shall examine and check the design plat for general engineering, traffic and stormwater management requirements.
- (3) The general manager for utilities or designee shall examine and check the design plat for needed utility easements.
- (4) The department of community development shall, at the development review board and city commission hearings on the design plat, report the recommendations of the several agencies above-mentioned and county, state and federal agencies, together with an analysis of the conformance and nonconformance of the design plat to the provisions of this chapter and other applicable requirements.

- (g) *Review of design plan.* The development review board review shall include consideration of staff findings and evidence and testimony from the general public. The board shall determine if the proposed subdivision is in conformity with the general goals and objectives of the city with respect to the officially adopted comprehensive plan; the city's official roadway map; existing zoning requirements, including amendments thereto; policies and plans established by the city with respect to neighborhoods, lake levels, water supply, protecting environmental features, provision for emergency access, consideration of pedestrian, bicycle and transit access and greenway connections, waste disposal and other essential utilities; the overall stormwater management plan; and policies for development in any special improvement and redevelopment districts. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, stormwater management, lot sizes and arrangement and the present or future development of abutting property.

(h) *Development review board approval.*

- (1) At a scheduled public meeting, the development review board will receive reports on and review the design plat to determine its conformance with all applicable requirements.
- (2) The board may approve the design plat as presented if found to be in compliance, require modifications, or disapprove the plat. Approval of the design plat, subject to conditions, revisions and modifications as stipulated by the board, shall constitute conditional board approval of the subdivision as to the character and intensity of development and the

general layout and approximate dimensions of streets, lots and other proposed features. If the design plat is disapproved, the development review board shall indicate the reasons therefore.

(i) *City commission review.*

- (1) Within 60 days after development review board ~~approval~~ and/or staff approval, the subdivider shall file with the department of community development at least three copies of the approved design plat, including the modifications, if any, imposed by the development review board. Should the plat not be so filed within that period, no preliminary development order shall be issued unless an extension of time is requested in writing prior to the expiration of that period and is granted by the city commission. In granting an extension, the city commission may attach such other restrictions or conditions as the commission deems appropriate to serve the public interest. In the case of residential subdivisions, the city commission may vote to grant extensions for design plat review of up to six months only and only if the subdivider possesses a valid, unexpired certificate of concurrency exemption, certificate of preliminary concurrency or certificate of conditional concurrency reservation, as appropriate. Further extensions for city commission review of design plats for residential subdivisions shall require a new concurrency review.
- (2) The city commission shall review the recommended design plat and consider findings made by the development review board and/or staff. The city commission shall determine if the proposed subdivision is in conformity with the general goals and objectives of the city with respect to the officially adopted comprehensive plan; existing zoning requirements, including all amendments thereto; policies and plans established by the city with respect to neighborhoods, lake levels, water supply, protecting environmental features, provision for emergency access, consideration of pedestrian, bicycle, vehicle and transit access and greenway connections, waste disposal and other essential utilities; the overall stormwater management plan; and policies for development in any special improvement and redevelopment districts. Particular attention shall be given to the arrangement, location, function and width of streets, their consistency with the goal of developing a multimodal transportation network, their interaction with the overall transportation system and relation to the topography of the land, water supply, sewage disposal, stormwater management, lot sizes and arrangement and the present or future development of abutting property.

(j) *City commission approval.*

- (1) The commission may approve the design plat as presented if found to be in compliance, require modifications, or disapprove the design plat if it is not in compliance. If disapproved, the design plat must be redesigned before resubmission for City Commission ~~development review board~~ approval.
- (2) Effect of approval. Approval of the design plat by the city commission is a preliminary development order. It shall not constitute acceptance of a final

plat but shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. The preliminary development order shall expire and be of no further effect 12 months from the date of approval unless a final plat is filed for approval or the time is extended with appropriate conditions by the city commission prior to expiration; otherwise, the subdivider must reapply for design plat approval in accordance with the provisions of this chapter. In the case of residential subdivisions, the city commission may vote to grant extensions of up to six months only, and only if all the concurrency management requirements of this chapter can be met and if the extension would not be in conflict with any other ordinance of the city. The approval of nonresidential subdivisions in no way reserves capacity for the purposes of concurrency.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 960061, § 5, 6-8-98; Ord. No. 990954, § 2, 4-24-00; Ord. No. 990853, § 3, 9-11-00)

**-Sec. 30-184. Preparation, submission and review of construction plans.**

(a) *Preparation.* Following the city commission approval of the design plat, the subdivider shall submit construction plans and specifications for all subdivision improvements required, in accordance with this article. The construction plans must be prepared, by an engineer registered in the state, in conformance with section 30-188 of this article, the design manual on file in the public works department, and other applicable local, state and federal regulations by an engineer.

(b) *Submission and review.* The subdivider shall submit five sets of plans to the Planning Division within Community Development for review by the following :

Public Works Department

Gainesville Regional Utilities

Alachua County Environment Protection Department

Community Development

Building Department/other.

~~a minimum of one set of prints of the complete construction plans to the director of public works and one set of prints to Gainesville Regional Utilities and one set of prints to the county office of environmental protection. The Plans shall be submitted during a regular review cycle for development review. The review shall be conducted and a decision issued within 60 days.~~

Following their reviews, if the construction plans are consistent with the approved design plat and comply with all standards and specifications, Public Works Department and Gainesville Regional Utilities shall notify the subdivider and the Planning Division of construction plan approval. If the construction plans are not consistent with the design plat as approved by the city commission or do not comply with all standards and specifications, the public works department and

Gainesville Regional Utilities shall notify the subdivider of:

- (1) Conditional construction plan approval, subject to any necessary modifications which shall be indicated on the plans or attached to them in writing; or
  - (2) Disapproval of the construction plans or any portion thereof, indicating in writing the reasons for the disapproval. The subdivider shall be responsible for timely resubmittal of acceptable plans within the valid period of the design plat.
- (c) *Required maps and drawings.* Plans for the proposed improvements and a boundary survey shall be required to be approved by the public works department and Gainesville Regional Utilities prior to approval of the final plat by the city commission. The final plat shall be recorded in the public records unless the subdivider has complied in all respects with subsection 30-186(e). The improvement plans shall show the proposed locations, sizes, types, grades and general design features of each facility, and shall be based upon reliable field data. These drawings shall include, at a minimum, a topographic map, stormwater management plan, and construction drawings showing street profiles, street cross sections and water supply, sewer and stormwater management as specified by the public works department and GRU.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 960061, § 6, 6-8-98)

**Sec. 30-185. Procedure for approval of final plat.**

- (a) Following approval of the construction plans, approval of a final plat shall be obtained in accordance with the following procedures:
  - (1) *Conformance to design plat.* The final plat shall conform to the design plat as approved by the city commission and shall incorporate all modifications and revisions specified in the approval, except shifts in stormwater and roadways facilities that does not change lot layout may deviate from the design plat with City Manger or designee approval. The final plat may constitute only a portion of the approved design plat.
  - (2) *Application for approval.* After the design plat of a proposed subdivision has been approved by the city commission, the subdivider has 12 months or such additional time as may be granted by the city commission to submit a final plat subject to the provisions and requirements of subsection 30-183(i)(2). Additionally, the final plat and other required information (including but not limited to proof of water management district and City Attorney approval) must be submitted in correct form to the department of community development at least ~~45~~ 25 (to allow for advertising) working days prior to the meeting of the city commission at which the plat will be considered. The following must be submitted in conjunction with the final plat review:
    - a. The original stable base film tracing of the final plat prepared in accordance with the requirements of this article, F.S. Ch. 177, and any other applicable statutes and ordinances.

- b. A title opinion of an attorney at law licensed in Florida or a certification by an abstractor or title company as required by F.S. Ch. 177.
- c. Any other required documents, such as those required by subsection 30-186(e).
- d. An additional fee in accordance with the schedule set out in appendix A to defray the expense of investigating, holding hearings and acting upon the final plat.
- e. An additional fee in accordance with the schedule set out in appendix A to defray the expenses of inspection of roadway and drainage facilities by the city manager or designee.

(3) *Failure to submit plat.* Failure to submit the final plat as provided above to the city commission within the time limit prescribed shall void design plat approval and require a new hearing on the design plat.

(b) *Specifications for final plat.* The final plat shall be legibly drawn at a scale of at least one inch equals 100 feet using a sheet size of 24 inches by 36 inches, reserving a three-inch binding margin on the left-hand side and a one-inch margin on the other three sides. If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet. The final plat shall be prepared by a land surveyor in accordance with and include all of the information required by F.S. Ch. 177. The final plat shall also contain:

- (1) The exact boundary line of the tract;
- (2) A vicinity map showing the location and acreage of the lands subdivided;
- (3) The location of all creeks, ponds, lakes, sinkholes, wetlands and watercourses within the subdivided lands and any part of the lands within the flood channel or floodplain as shown on the city's flood control maps adopted pursuant to Article VIII as of the date of final plat submission;
- (4) The front building setback line for each lot; and
- (5) Any subdivision boundary that is within a half-mile radius of any horizontal geodetic control monument established by the county control densification survey or National Geodetic Survey Horizontal or Vertical Control Network bearing confirmed coordinate values related to the 1983 and the 1990 North American Datum Adjustment must conform to the following requirements:
  - a. All final plats shall identify all horizontal and vertical geodetic control monuments as described above located within 500 feet of the proposed plat boundary;
  - b. All plats shall have a minimum of three permanent reference monuments per 40 acres of platted subdivision, which shall have state plane coordinates established from the 1983 and the 1990 North American Datum Adjustment delineated on the plat and shall be tied directly to the plat boundaries;

- c. All plats shall have a minimum of two benchmarks located and described with the plat which shall be projected from National Geodetic Vertical Datum, 1929 or later.
- d. The basis of bearings for all plats shall be grid north as established from the county control densification survey and state plane coordinate system and/or National Geodetic Survey Horizontal Control Network;
- e. The state plane coordinates and bearing basis shall be established by conducting a self-closing traverse(s) between two horizontal geodetic control monuments. Each traverse shall be performed to third order class one standards of accuracy as described in the most recent version of the Standards and Specification for Geodetic Control Network (SSGCN), as set forth by the Federal Geodetic Control Committee. When a development contains multiple units, a major control traverse tied to two horizontal geodetic control monuments may be submitted with the first phase, with subsequent units being tied to this control traverse.
- f. A traverse sheet identifying the field angles, permanent reference points, distances and the adjustments shall be submitted on 8<sup>1</sup>/<sub>2</sub>-inch by 11-inch paper with the plat submitted for final development review. Copies of the field notes must also be submitted. All documents must be signed and sealed by a surveyor.
- g. All geodetic monuments, including traverse stations set for the county control densification survey, that fall within the limits of a development must be shown on the development plan and construction plans. All geodetic monuments that are in danger of being disturbed or destroyed must be referenced by a surveyor prior to the start of construction and reset by a surveyor after the construction is complete. If it is not practical to reset the geodetic monument in its original position, an off-set monument may, with the approval of the city manager or designee, be set. The referencing and resetting of a geodetic monument shall be in accordance with the specifications set forth in article 2.1 of the SSGCN. Traverse stations shall require an accuracy of third order class one and primary stations and their Azimuth marks shall require second order class one accuracy standards. The surveyor who resets the geodetic monument shall be responsible for the preparation and submittal of all documents necessary for the notification of the state department of environmental protection, city engineer, the county property appraiser's office and any other appropriate government agency. Notification shall include, but not be limited to, a complete description of the geodetic monument with all its accessories, an accurate how-to-reach description, the date of last station recovery, the name of the person recovering monumentation, and the address of the recovery party. This work shall be performed prior to the final inspection and/or acceptance

of the development.

- h. Any person who disturbs or destroys a geodetic monument shall be fully responsible for the expense of having the monument reset by a surveyor. The city may, at the expense of the person responsible for disturbing or destroying the monument, have a surveyor reset the geodetic monument in accordance with the specifications set forth in article 2.1.
- i. For purposes of this section, a surveyor means a person who is registered to engage in the practice of surveying and mapping under F.S. Ch. 472.

(c) *Review by department officials and city commission.*

- (1) *Staff review.* Prior to final plat approval, city staff as required ~~the technical review committee~~ and the law department shall review the proposed plat and supporting documents. If they meet the technical requirements of this chapter and other applicable laws and ordinances the departments shall approve the plat as to the requirements within their areas of responsibility.
  - (2) *City commission review.* If the final plat is consistent with the design plat as approved by the city commission, meets all requirements of this chapter, and otherwise complies with all applicable laws and ordinances, it shall be forwarded to the city commission for final consideration. Upon approval, the final plat shall bear certification of the approval by the clerk of the city commission.
- (d) *Recording.* Upon approval of the final plat by the city commission the original linen or stable base film tracing of the final plat, any required covenants or deed restrictions, and the declaration of condominium if the subdivision is a condominium development, shall be recorded with the clerk of the circuit court by the subdivider with all recording fees paid by the subdivider within 15 working days after the final/record plat has been returned to the petitioner by city staff. Failure to record the final/record plat and return the required number of mylars and paper copies to the Planning Division within 15 working days may render the approved final/record plat null and void.
- (e) Recording the approved final plat shall constitute a final development order. Upon recording the approved final plat, ~~a copy of any private covenants or deed restrictions required to be recorded,~~ three (3) linen mylar copies of the recorded plat and three (3) paper copies of the recorded plat signed and sealed by Clerk of the Court shall be presented to the department of community development, planning division.

No changes are being proposed for section 30-186.

**Sec. 30-186. Security for construction and maintenance of public improvements.**

- (a) *Bond required.* Except as otherwise provided herein, no final plat of any subdivision shall be approved by the city unless a surety bond shall be filed with the city executed by a surety company authorized to do business in the state with a rating of not lower or less than A-XII as rated by A.M. Best Company, Inc., an independent national rating service for surety companies, which bond shall be

conditioned to secure the construction and completion of the improvements required under the ordinances of the city in a satisfactory manner within 12 months from final plat approval and any extension of such period approved by the city commission. The surety bond shall be enforceable by and payable to the city in a sum at least equal to 120 percent of the total cost of the required improvements provided in the subdivision as estimated by the subdivider's engineer and verified and approved by the director of public works.

- (b) *Form of surety bond.* The surety bond shall be first approved by the city attorney as to form and legality prior to its submission with the proposed final plat to the city commission for approval and shall be executed by both the subdivider and the party or parties with whom the subdivider has contracted to perform the work and construct the improvements.
- (c) *Alternative to construction bond.* In lieu of the surety bond required in section 30-186, the subdivider may:
  - (1) Place a cash deposit with the city in the same amount that would be required for the surety bond, which cash shall be deposited with the director of management and budget of the city and held by him/her under the same conditions as are provided for in the surety bond. Such deposit will be held for the developer and, in the event of any nonperformance by the developer as required by the ordinances of the city, will be used by the city to complete the required improvements. During construction, upon the request of the subdivider, and upon inspection and approval of construction and costs thereof by the city, the city shall refund to the subdivider an amount equal to the approved costs for such improvements, provided, however, at no time shall the balance of the cash deposit with the city be reduced to less than 30 percent of the estimated costs of the subdivision improvements until all the subdivision improvements are completed and so certified to by the city.
  - (2) Deposit with the city and place with the city manager an irrevocable and unconditional letter of credit by a Florida bank. The letter of credit shall be for an amount equal to 120 percent of the estimated costs of the required subdivision improvements. The letter of credit shall remain with the city as a valid letter of credit until the city is satisfied that all construction of required subdivision improvements has been completed in accordance with plans and specifications and that all other provisions of this chapter relating thereto have been fully complied with.
  - (3) Deposit with the city a construction loan agreement in the amount of at least 120 percent of the estimated cost of the required subdivision improvements, which agreement shall be entered into by a recognized lending institution with the subdivider for the benefit of and satisfactory to the city, providing that:
    - a. The lending institution will make payments on the proceeds of the loan to the city if the subdivision improvements are not completed and approved by the city within the time required;
    - b. No payments of proceeds of the portion of the loan reserved for improvements shall be made to anyone until the city has approved the payment, which approval will be given if work is accomplished



in accordance with approved plans and specifications and ordinances of the city; and

- c. At no time will the loan proceeds be expended by that lending institution in excess of 90 percent of the estimated costs of the required subdivision improvements until all the improvements are completed and so certified to by the city.
- (4) Use a combination of such a loan as provided for in subsection 30-186(c)(3) of this section, a letter of credit as provided in subsection 30-186(c)(2) of this section, a cash deposit as provided in subsection 30-186(c)(1) of this section, or the surety bond provided for in subsection 30-186(a) in order to reach the total of 120 percent of estimated costs of required subdivision improvements.
  - (5) Deposit with the city a construction loan agreement in the amount of at least 100 percent of the estimated cost of the required subdivision improvements, which agreement otherwise meets the requirements of subsection (3) above, and an unconditional guaranty from the subdivider in the amount of at least 20 percent of the estimated cost of the required subdivision improvements that meets the following requirements:
    - a. Absolutely and unconditionally, jointly and severally, guarantees to the city the full and prompt payment of the amount set forth in the guaranty that will be used by the city to complete the required improvements, and the complete performance of the subdividers of all conditions and requirements to be performed by the subdivider under the City Code;
    - b. Unconditionally, jointly and severally, agrees to pay all reasonable expenses and charges, legal fee and other fees (including attorneys fees and costs, including court costs at trial, appeal or bankruptcy proceeding) paid or incurred by the city in enforcing the unconditional guaranty;
    - c. Jointly and severally agrees to indemnify and hold harmless the city, its elected and appointed officers, employees and agents from any loss suffered or occasioned by the failure of the subdivider to satisfy its obligations to third parties arising out of the subdivision of the land;
    - d. Binds the guarantors and their successors and assigns, and inures to the benefit of the city; and
    - e. Makes such other representations and warranties requested by the city manager or designee to protect the interests of the city.
  - (d) *Determining cost of improvements.* In determining the cost of the improvements for which a construction bond or other security is required, improvements otherwise covered by a separate bond or security arrangement between the subdivider and the city and those improvements already constructed and approved by the director of public works shall not be included.
  - (e) *Construction without bond, conditional approval.*

- (1) In lieu of the requirements of the preceding subsections 30-186(a) and (c), a subdivider may proceed with installation of subdivision improvement, upon acceptance and approval of a final plat by the city commission, which approval shall be conditioned upon the full completion of the subdivision improvements within two years and in full accordance with approved plans and specifications and the ordinances of the city. The plats shall not be recorded, but shall be retained by the clerk of the commission until the city manager shall have certified that all required improvements have been completed in accordance with approved plans and specifications and ordinances of the city and the same has been approved by the city commission. Upon certification by the city manager and upon proof by title insurance or other similar assurance to the satisfaction of the city that there are no liens or possibilities of liens on the subdivision improvements or on the property to be dedicated to the public, and that the dedicator has clear fee title thereto, the city shall approve the plat and accept the dedication of the public right-of-way easements, and other dedicated portions as previously shown on the prior approved plat as set out in this chapter, and the subdivider shall record the plat and provide copies as specified in subsection 30-185(d).
  - (2) No building permits shall be issued on property within the boundaries of the subdivision plat until the plat shall have been approved and accepted by the city commission and placed on record in the public records of the county.
  - (3) During construction the subdivider may, upon the posting of a bond or other such security for the cost of the uncompleted improvements, have a prior conditional approval converted to final approval and acceptance provided that all other requirements and conditions of this chapter applicable to final plat acceptance have been met.
- (f) *Maintenance.*
- (1) Under any arrangement for subdivision development within the city, the subdivider is obligated to the city for any necessary repair of all required improvements under the ordinances of the city for the period of one year following acceptance for maintenance. During the one-year period the subdivider must provide the city with a surety bond, cash, an unconditional irrevocable letter of credit from a Florida bank, or a construction loan agreement as referred to in subsections 30-186(a) and (c), or a combination thereof, in an amount equal to 15 percent of the costs of the required subdivision improvements, which may be used by the city to pay the costs of any necessary repairs and maintenance on the subdivision improvements during the one-year period. Interest earned on all such cash deposits with the city shall be for the account and to the credit of the person or persons making such deposit.
  - (2) In determining the cost of the improvements for which a maintenance bond or other such security is required, improvements otherwise covered by a separate bond or security arrangement between the subdivider and the city and those improvements constructed or installed by the city shall not be included.

- (3) In those developments where lands and improvements remain under private common ownership, instruments relating to the use and maintenance of such areas and improvements shall be required. The city may require the establishment of an appropriate entity and the execution and recording of any appropriate legal instrument necessary to ensure the maintenance, protection and preservation of common areas designated on the plat. The title to all land and improvements that are shown on the plat as common areas, private roads, etc., shall be held and continue to be held so as to ensure their proper maintenance and care and to permit and ensure their continued use as intended in the approved plat. The instruments shall include means legally enforceable by the city, the subdivider and his/her successors to guarantee payment of such sums of money as are necessary for the maintenance; and all conveyances or transfers of any interest in any of the property of the development shall be legally encumbered of record so as to guarantee the continued use of the common areas and roads as contemplated by the plat and the guarantee of the payment of the cost of the maintenance.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 960061, § 8, 6-8-98)

**Sec. 30-187. Design standards.**

(a) *Flood hazards.*

- (1) A subdivision plat shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation. All subdivisions, or portions thereof, located within a flood channel or floodplain shall meet the requirements of Article VIII.
- (2) When any portion of a subdivision lies within the floodplain and/or flood channel as designated on the city's adopted flood control maps, those lines will be approximately shown and the words "CERTAIN PORTIONS OF THIS PLAT LIE WITHIN THE DESIGNATED 100-YEAR FLOODPLAIN" shall be clearly designated on the final plat.

(b) *Lots and blocks.*

- (1) *Generally.* Lots and blocks shall be designed according to acceptable practice for the type of development and use contemplated so as to be in keeping with the topography and other site conditions and provide adequate traffic and utility access and circulation; provide acceptable use of space; and provide privacy, adequate drainage and protection of property.
- (2) *Dimensions.* The lot size, width, depth, shape and orientation shall be appropriate for the subdivision and for the type of development and use contemplated. Lot dimensions and street abutment requirements shall not be less than the minimum standards established in article IV. Lots in areas shown on the land use map for single-family use or residential planned unit developments for single-family detached units shall front on local access streets wherever feasible.
- (3) *Side lot lines.* Side lot lines shall be, as nearly as practical, at right angles

to straight street lines and radial to curved street lines. No lot shall be divided by a municipal boundary.

- (4) *Double-frontage lots.* Double-frontage and reverse-frontage lots shall be discouraged except where essential to provide separation of residential development from traffic arterials and collectors or to overcome specific disadvantages of topography and orientation. A landscape buffer screen in accordance with the requirements of subsection 30-188(j) of this chapter, across which there shall be no right of vehicular access, shall be provided on lots abutting the traffic arterial.

(c) *Streets.*

- (1) The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan, particularly any neighborhood elements, now in existence or as may hereafter be adopted, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) When an appropriate street network is not shown in the comprehensive plan now in existence or as may be hereafter adopted, the arrangement of streets in a subdivision shall provide for the continuation or appropriate projection of existing collector or arterial streets in surrounding areas unless topographic, traffic volume or other conditions make continuance or conformance to existing streets impractical or undesirable.
- (3) Each street on the plat shall be designated as one of the following types, based upon the projected traffic count for the street:

a. *Street types.*

Street Type	Description of Intended Use	Range of Average Daily Trips at Full Development
	(See section 30-23 also for definition)	
Minor local street	Local streets are designed to serve the local community.	Less than 800
	Residences should be designed to front local streets. Local streets should be designed to encourage slow speeds and discourage non-local traffic.	
Major local street	See above.	801 to 1,200
Minor local collector	Collector streets are designed to carry and distribute traffic between local streets and arterial roadways (see design manual).	1,201 to 3,200

Major local collector	See above.	3,201 to 7,000
Minor arterial	Arterial streets are routes that generally serve and interconnect major activity centers in the urban area and/or provide connections between cities.	7,001 to 12,000
Principal arterial	See above.	Over 12,000

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- b. *Lots fronting on collector streets.* Lots fronting on collectors shall be prominently identified on the final plat with substantially the following language: "THE LOT FRONTS ON A MAJOR/MINOR COLLECTOR STREET WHICH IS DESIGNED TO CARRY UP TO XXXXXX VEHICLES PER DAY," with XXXXXX being replaced by the appropriate number.
    - c. *Lots abutting arterial streets.* Lots abutting arterial streets shall comply with subsection 30-187(e).
  - (d) *Traffic count data.*
    - (1) The number of annual average trips per day may be obtained from the city traffic engineer.
    - (2) Trip generation rates shall be calculated by a professional engineer using trip generation rates established by the Institute of Transportation Engineers according to accepted engineering practices approved by the city traffic engineer.
  - (e) *Subdivisions on arterial streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the provision by the subdivider of marginal access streets, reverse-frontage lots with planting screen contained in a nonaccess reservation along the rear property lines, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic from local traffic may be required. No lot in any area shown on the land use plan for single-family use or single-family residential PUD at less than eight units per acre shall front on an arterial street.
  - (f) *Design specifications.* The subdivision shall be designed in accordance with specifications delineated in the design manual for intersection design, intersection sight distance, minimum street design and cul-de-sac minimum lengths and turnaround diameters.
  - (g) *Reserved.*
  - (h) *Reserved.*
  - (i) *Reserved.*
  - (j) *Street access to abutting property.* When designated on the official roadway map or determined by the city commission to be needed for proper traffic circulation,

access to abutting property shall be provided through the use of a street stub. If such a street stub terminates more than 100 feet from an intersection, it shall be provided with a temporary turnaround which would allow vehicular traffic to turn around safely without having to leave the pavement. Specifications for optional temporary turnarounds are contained in the design manual. The developer of the abutting area shall pay the cost of restoring the street to its permanent cross section and extending the street at such time as the abutting area is developed.

- (k) *Reserved.*
- (l) *Dedication of right-of-way.* Where a proposed subdivision abuts or includes a future transportation corridor alignment or existing transportation corridor that is scheduled for construction shown in the City of Gainesville 1991--2001 Comprehensive Plan or the Florida Department of Transportation 5-Year Transportation Plan or the Alachua County 5-Year Work Program, rights-of-way as needed according to the proposed road type shall be dedicated on each side of the proposed alignment for use as a transportation and utility corridor.
- (m) *Alleys.* When provided in any district, alleys shall have a minimum right-of-way width of 20 feet.
- (n) *Sidewalks and bikeways.* Where provided, sidewalks and bikeways shall be designed as an integral part of the total on-site and off-site circulation system, including integration or linkage with designated greenways, and shall be located within the street right-of-way or within rear lot easements or common open areas.
- (o) *Greenway dedication.* Where a proposed subdivision contains a designated greenway, the appropriate review board shall determine if there is a rough proportionality between the projected impact of the development on traffic and recreational needs and the nature and amount of property in the development encompassing the greenway. If the board finds the necessary proportionality, a right-of-way or public trail easement shall be dedicated to the city for use as a greenway corridor. The dedication shall correspond with the entire length of the [designated] greenway corridor as it passes through the subject property, and be of sufficient width to comply with design standards as specified in subsection 30-308(a)(2)a.3, pertaining to greenway districts. Such a dedicated corridor may be established for joint use as both a greenway and for required utility or stormwater management facility dedications when such dedications are compatible with the greenway use. In making its determination, the board shall consider the following:
  - (1) Assessed value of the property to be dedicated and proportion to value of entire property;
  - (2) Square footage of property to be dedicated and proportion to area of entire property;
  - (3) Other legal and reasonable uses of property to be dedicated;
  - (4) Impact to otherwise legal and reasonable plans being considered for development of entire property that would be caused by dedication of the property;
  - (5) Estimated increase in transportation demand caused by the development, and estimated amount of automobile trips that would be avoided by

having dedication in place;

- (6) Estimated increase in recreation demands caused by the development.
- (p) *Utilities easements.* When they are necessary to serve the subdivision, utilities easements shall be provided, with a minimum width of 15 feet, located along lot lines. Additional width may be required for sewer or stormwater management easements. Side lot line easements may be decreased to ten feet in width when serving a single electric, cable TV, gas or telephone utility. Rear lot line easements shall be discouraged.
- (q) *Stormwater management easements.* Easements, rights-of-way and stormwater management facilities meeting all requirements of section 30-188 shall be required, upon recommendation of the director of public works.
- (r) *Subdivision entrances.* Landscaped islands or medians may be permitted within the right-of-way at all subdivision entrances. These areas shall be landscaped with materials from the Gainesville Tree List, [and] street landscape materials which shall be adopted and amended by resolution of the city commission and which list shall be maintained by the department of community development. In addition, the landscaped area shall be provided with an irrigation system or a readily available water supply within 100 feet. Maintenance of subdivision entrance identification and landscaping shall be in accordance with subsection 30-188(g).
- (s) *Underground utilities.* Provisions shall be made for utility lines of all kinds, including but not limited to those of franchised utilities, electric power and light, telephone, cable services, water, sewer and gas, to be constructed and installed beneath the surface of the ground within residential and non-residential subdivisions, unless the city commission determines that soil, topographical or other compelling conditions make such construction unreasonable or impractical. The subsurface mounting of incidental appurtenances, including but not limited to transformer boxes or pedestal-mounted boxes for the provision of utilities, electric meters, back flow preventers and fire hydrants shall not be required.
- (t) *Stormwater facilities.*
- (1) Easements for maintenance access shall be granted to the city along drainage basins and along all storm sewers. In some circumstances, additional easements may be required by the city manager or designee for maintenance access only.
  - (2) The design of stormwater facilities shall consider the ease of maintenance over the life of the facility.
  - (3) Any appurtenances placed in the right-of-way or within any publicly dedicated drainage basin, such as fountains, landscaping, lighting features, and signs, shall be the sole responsibility of the homeowners association and shall only be installed with express written approval of the city manager or designee. A maintenance agreement shall be required prior to acceptance of the facility by the city.
- (u) *Fire hydrants.* Fire hydrants shall be required in all subdivisions as per plans approved and accepted by Gainesville Regional Utilities and the city fire department.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 950600, § 1, 9-25-95; Ord. No. 960060, § 2, 6-8-98; Ord. No. 960061, § 9, 6-8-98; Ord. No. 991381, § 3, 9-25-00)

**Sec. 30-188. Required improvements.**

(a) *Generally.*

- (1) Within 12 months after final plat approval, the subdivider shall construct the improvements enumerated in this section in accordance with the provisions of this chapter, other applicable ordinances and statutes, and such additional standards and specifications as may be adopted from time to time by resolution of the city commission.
- (2) An engineer shall design the installation of all streets, sidewalks, bikeways, drainage structures, bridges, bulkheads and water and sewer facilities.

(b) *Monuments.*

- (1) Permanent reference monuments (PRM's) and permanent control points (PCP's), as defined in F.S. Ch. 177, shall be placed as required by F.S. Ch. 177. PRM's shall be set in the ground so that the upper tip is flush with or no more than one foot below the finish grade.
- (2) All lot corners shall be designated with a permanent marker, such as an iron rod, iron pipe or concrete monument.
- (3) The land surveyor shall, within one year after city commission approval of the final plat, including conditional approval if applicable, certify that the above-required monuments have been set and the dates they were set.

(c) *Street specifications.* Streets shall be designed in accordance with the following:

- (1) Standards contained in the design manual that specify dimensions and construction standards for subgrade, pavement base, wearing surface and minimum pavement width for minor local streets, major local streets, minor local collectors, major local collectors, minor arterials, and major arterials; and
- (2) Guidelines that address curb and gutter roadways, noncurb and gutter roadways, roadway widths for on-street parking, and the location of sidewalks.

(d) *Costs of street improvements.*

- (1) It shall be the responsibility of the subdivider to install all local and minor collector streets located within a subdivision. When a major collector or a major or minor arterial street is located within a subdivision, the subdivider shall be required to construct the street, but shall only be required to pay a portion of the construction cost, which portion shall be determined by the ratio that the estimated average daily traffic on the street generated by the subdivision lands at full development bears to the total estimated average daily traffic for the street based on full development of its entire service area. The city shall pay the remaining



portion of the street construction costs, but the total dollar liability of the city shall be limited to its proportion of the estimated construction costs prepared by the subdivider and approved by the city commission prior to construction. At its option, the city commission may waive the requirement for construction of the major local collector or major or minor arterial and any associated bikeways or sidewalks, in which case the subdivider's only obligation shall be the dedication of the required right-of-way. Also at its option, when the subdivider's portion of the cost of the major local collector or major or minor arterial exceeds 50 percent, the city commission may permit the construction of a half street by the subdivider.

- (2) When the average daily trips of a subdivision impact an existing minor or major arterial or major local collector street, it shall be the responsibility of the subdivider to make improvements as necessary to serve the proposed development while maintaining the operating conditions of the affected roadway. These improvements can include, but are not limited to, installation of additional lanes, signalization, associated stormwater management improvements, and the installation of associated bikeway, sidewalk and transit improvements. The city commission may determine the proportional cost of programmed improvements to be allocated to the subdivider.

(e) *Sidewalks and shared use bicycle paths.*

- (1) Sidewalks are required on both sides of all streets. However, no sidewalk is required on a cul-de-sac or dead end or loop if the cul-de-sac or dead end is less than 100 feet long. Sidewalk required on at least one side of street on cul-de-sac or dead end or loop from 100 to 250 feet long. Sidewalks are required on both sides of the street on cul-de-sac or dead end or loop greater than 250 feet long. Sidewalks shall be at least five feet wide and maintain a clear width of at least five feet. Whenever a sidewalk intersects a curbed street, ramps shall be installed to facilitate access to the sidewalk by wheelchairs. Ramps and sidewalks shall be constructed in accordance with the Design Manual. For a project in which the closest lots to a connecting street on a cul-de-sac or dead end are at least 1,000 feet from the street it stems from, sidewalks are required on at least one side of the street up to the lot nearest to the connecting street.

{Graphic}

- (2) The installation of sidewalks shall be the responsibility of the subdivider and the sidewalks shall be installed prior to the acceptance of the improvements by the city. The subdivider may elect to postpone installation of sidewalks until such time as building permits are issued for 60 percent of the subdivision lots, up to a maximum of five years. However, security for the construction of such sidewalks, in the amount of 150 percent of the estimated costs of construction, shall be provided by one of the methods described in subsections 30-186(a) and (c). In subdivisions, sidewalks along streets fronting common areas such as stormwater basins, entrance streets, or open space must be installed

within 12 months of final plat approval (acceptance of improvements by the city), and are not eligible for the above-described postponement provisions.

- (3) The city manager or designee may grant a waiver to the requirement of installing a streetside sidewalk or the sidewalk width requirement to save a Heritage tree or a regulated tree deemed by the city manager or designee to have special value to the urban forest. Instead, the sidewalk right-of-way is allowed to be re-aligned or a short narrowing of the sidewalk width is allowed. The city manager or designee can approve either a sidewalk less than five feet wide for a distance less than 15 feet, or may require the dedication of additional right-of-way or easement so that the sidewalk can avoid the tree.
  - (4) Where a previously dedicated street forms a boundary of a subdivision, and where adequate right-of-way for the installation of a required sidewalk does not exist, the subdivider must dedicate proper sidewalk areas upon the side of the street abutting the lands subdivided and construct the required facilities.
  - (5) Sidewalk construction in accordance with this section shall be required for each individual lot in a subdivision created after adoption of Ordinance No. 990853, prior to being issued a certificate of occupancy.
  - (6) A shared use bicycle path shall be provided in a subdivision wherever designated on the officially adopted trail network plan for the city. Also, subdivisions containing a proposed trail network corridor shall provide a shared use bicycle path and sidewalk system that integrates or links the subdivision with the trail network.
  - (7) Shared use bicycle paths that are required in compliance with the officially adopted trail network plan for the city shall be a minimum of ten feet in width and shall be constructed with an asphaltic concrete wearing surface, one inch in thickness. The pavement base shall be a minimum of three inches of limerock compacted to a density of 95 percent AASHTO T-180 or equivalent as approved by the city engineer. Subgrade shall have a minimum LBR of not less than 30. A ramp shall be provided at every intersection with a curbed street.
- (f) *Bridges.* Bridges shall be constructed in accordance with design standards delineated in the design manual.
- (g) *Permanent development identification signs and structures.* Permanent development identification signs and structures for subdivisions may be located in the public right-of-way provided there is compliance with Article IX, Division 1, of this chapter and provided there is compliance with the following restrictions:
- (1) *Maintenance agreement.* A maintenance agreement between the city and the subdivision or neighborhood organization or the developer placing the sign in the public right-of-way is required. The agreement shall provide that the subdivision or neighborhood organization or developer, including its successor or assign, is responsible for maintaining the sign and the public right-of-way where the sign is located.
  - (2) *Permitted signs and structures with indemnification agreement.* If the

subdivision or neighborhood organization or the developer enters into an agreement that is acceptable to the city attorney indemnifying the city from any liability, the city may permit structures such as walls, permanent planters, or one single- or double-sided street graphic containing a maximum of 32 square feet of sign area per side, to be placed at the entrance(s) and located in the city's right-of-way.

- (3) *Permitted signs with no indemnification agreement.* If the subdivision or neighborhood organization or the developer does not or is unable or unwilling to enter into an indemnification agreement with the city that is acceptable to the city attorney, the city will permit an identification sign on the right-of-way at the entrance(s) to the subdivision pursuant to the conditions found in article IX, division 1, of this chapter and the following additional conditions:
  - a. One double-sided sign no taller than four feet in height from the ground may be placed in an entrance median. If made of wood, the sign may be no wider than six inches in width, and, if made of masonry, may be one course thick (unreinforced) and no wider than 12 inches, including letters.
  - b. Alternatively, two single-faced signs equal in size may be placed within the right-of-way on each side of an entranceway. Unless mounted on a wall, each face of the subdivision sign shall be no taller than four feet from the ground.
  - c. The sign(s), whether located in a median strip or along the side of the entrance street, shall be located at least four feet behind the face of the median curb.
  - d. Location and materials of the signs must receive approval from the director of public works, city traffic engineer and Gainesville Regional Utilities.
- (h) *Stormwater management required.* A complete stormwater management system, in conformance with Article VIII and this chapter, shall be provided in all areas of the subdivision for handling stormwater runoff within or across the subdivision lands.
- (i) *Utilities required.*
  - (1) *Sanitary sewer.* The subdivider shall provide sanitary sewer services to each lot within the subdivision. All sewer lines serving lots within the subdivision shall be installed by the subdivider prior to the paving of the street and should be designed to operate on a gravity flow basis unless otherwise approved by the utility department.
  - (2) *Water supply.* The subdivider shall install a system of water mains as approved by the utility department and connect the system to the public water supply. The installation of the mains and connection to each lot shall occur prior to paving of the street.
  - (3) *Water and sewer systems.*
    - a. New central water and sewer systems where required shall be

designed by an engineer in accordance with the regulations of the utilities department, the state department of environmental protection and the county health department, and with standards established in this chapter. Central water and sewer systems shall be designed and constructed for an economic life of not less than 20 years, and the water system shall be designed in accordance with the fire protection requirements provided in Chapter 10.

- b. Fire hydrants shall be connected to mains no less than six inches in diameter; however, the utilities department may require larger diameter mains for long lines that are not connected to other mains at intervals close enough for proper mutual support.
  - c. Sufficient storage or emergency plumbing facilities shall be provided to such an extent that the minimum fire flows will be maintained.
- (j) *Screening walls and landscaping.* Screening separating residential lots from abutting FDOT functionally classified arterial streets and from streets designated by the city commission as arterial streets based on their physical design, moderately long trip length, and existing or anticipated traffic characteristics shall be required in the form of low-maintenance walls, dense plant material or planted earth mounds. Such a screen shall be at least six feet in height and shall be completely in place before required improvements for the subdivision are accepted for maintenance. The responsibility for maintenance of the wall, plant material and earthen mounds shall be conveyed to the neighborhood association established for the maintenance of common property within the subdivision or the subdivider may provide a financial mechanism for such purpose, subject to the approval of the city attorney.
- (k) *Erosion and sediment control measures.* The city may require the subdivider to utilize grading techniques, subdivision design, landscaping, sedimentation basins, special vegetation cover and other measures to reduce erosion and sediment. The subdivider shall comply with the requirements of article VIII of this chapter and the design manual concerning erosion and sediment control measures.
- (l) *Inspection of improvements.*
- (1) The director of public works and Gainesville Regional Utilities shall be authorized to inspect required improvements during construction to ensure that the work is in accordance with the approved plans and specifications. If any substantial changes are required in the approved plans or specifications during construction, the changes must be submitted for approval of the director of public works and Gainesville Regional Utilities as applicable.
  - (2) The subdivider shall retain a reputable recognized commercial laboratory which shall certify all materials and perform and certify all required density, LBR, concrete or other tests as may be required by the city engineer when reasonably necessary to ensure that all improvements are constructed as per approved plans and specifications.
- (m) *Acceptance for maintenance.*

- (1) Prior to acceptance for maintenance by the city, the subdivider shall notify the Gainesville Regional Utilities in writing that all required improvements have been completed. Upon receipt of notice from the subdivider, the director of public works and Gainesville Regional Utilities will make an inspection of the construction work. If work is found to be satisfactorily completed, the city will accept the improvements for maintenance. After a period of one year from the time of inspection, the same city departments will make a final inspection, and, if the workmanship and materials are found satisfactory or if all deficiencies due to faulty workmanship or materials are repaired or corrected, the city will then release the subdivider from his bond on the project.
- (2) Acceptance for maintenance is intended to mean normal maintenance functions as routinely performed by the city. It shall not include removal of soil accumulations on streets caused by excessive erosion from adjacent lots, either prior to or during building construction within the subdivision. It shall not include damage to any improvements caused by private construction or private utility vehicles within the one-year maintenance period. All decisions regarding abnormal damage or maintenance shall be made by the public works department or Gainesville Regional Utilities, with appeals possible to the city manager.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3944, § 1, 1-24-94; Ord. No. 960061, § 10, 6-8-98; Ord. No. 990853, § 4, 9-11-00)

**Sec. 30-189. Minor subdivisions and lot splits.**

- (a) *Minor subdivisions.* Every minor subdivision shall be processed in the following manner:
  - (1) Prior to filing an application for a minor subdivision the applicant must schedule a pre-application conference/first step meeting. After the pre-application conference an application form provided by the department of community development shall be completed and filed with the department accompanied with the following:
    - a. Six paper copies of the proposed minor subdivision;
    - b. A statement indicating whether water and/or sanitary sewer service is available to the property, and a statement indicating that all utility service shall be installed beneath the surface of the ground in accordance with section 30-345, a statement indicating whether stormwater management facilities are available to accommodate stormwater runoff of the proposed development ; and
    - c. A survey certified by a professional land surveyor registered in the state as to meeting minimum technical standards set forth pursuant to F.S. § 472.027. The survey shall be drawn on a 24-inch by 36-inch linen or stable base film with a three-inch margin on the left for binding, and a one-half-inch margin on the other three sides. Additional information to be shown on the survey shall

include but not be limited to:

1. The lot lines, dimensions and acreages for each lot being created.
2. The acreage of the total tract.
3. A vicinity map showing the location of the survey in relationship to major thoroughfares.
4. A note stating, "THIS IS NOT A RECORD PLAT."
5. A municipal approval statement, to be signed by the director of community development, director of public works and general manager for Gainesville Regional Utilities or their designee, certifying that the minor subdivision conforms to all applicable ordinances and regulations of the city.
6. A statement to be signed by the clerk of the court, stating, "Received and filed as an unrecorded map in accordance with Section 177.132, Florida Statutes."
7. The minor subdivision book and page where the survey is to be filed.
8. Proposed residential minor subdivisions must meet the level of service standards in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary concurrency or certificate of conditional concurrency reservation.

(2) The minor subdivision shall also conform to the following standards:

- a. A land description of each lot being created shall accompany or be shown, whenever possible, on the survey.
- b. If any lot or parcel contains principal or accessory structures, the structures shall be shown either on the minor subdivision or on a survey attached to the minor subdivision. All existing principal and accessory structures must conform to setback requirement.
- c. All lots or parcels shall have frontage on a city-maintained public street or approved private street, have water and sewer services available, and be in accordance with the requirements as set forth in this chapter.
- d. If the proposed minor subdivision abuts a street right-of-way which does not conform to the provisions of subsection 30-187(h), the owner(s) may be required to dedicate to the city one-half of the right-of-way width necessary to meet minimum design requirements for street rights-of-way, as specified in subsection 30-187(h). If the proposed minor subdivision abuts both sides of a substandard street, one-half of the right-of-way width necessary to meet those minimum design requirements may be required from

each side. The dedication of this right-of-way or any easements necessary shall be accomplished by a separate document. The subdivider shall provide the city with land descriptions of all easements or rights-of-way to be dedicated, and the city shall prepare and record the necessary documents as part of the approval process.

- (3) The department of community development shall then transmit a copy of the proposed minor subdivision to the several departments of the city for review and comment. The department of community development shall process only those subdivisions which do not require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement required under this chapter.
  - (4) If the proposed minor subdivision meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the technical review committee shall approve the minor subdivision by affixing their signatures to the original document. In the case of a residential minor subdivision, the subdivider must show that all the concurrency management requirements of this chapter have been met. Proof of meeting these requirements shall exist in the form of a certificate of concurrency exemption, certificate of final concurrency or certificate of conditional concurrency reservation. The approval of nonresidential subdivisions in no way reserves capacity for the purposes of concurrency.
  - (5) Upon approval of the minor subdivision, the original linen or stable base film drawing of the survey and any covenants, deed restrictions or other required documents shall be filed with the clerk of the circuit court as an unrecorded map, in accordance with F.S. § 177.132. It shall be filed by the subdivider with all fees paid by the subdivider. Upon filing of the approved minor subdivision, a copy of any required documents, two (2) linen copies, and four (4) paper copies of the filed minor subdivisions shall be submitted to the department of community development for its records.
- (b) *Lot splits.* Every lot split shall be processed in the following manner:
- (1) Prior to filing an application for a lot split the applicant must schedule a pre-application conference with staff. After the pre-application conference an application form provided by the department of community development shall be completed and filed with the department, accompanied with the following:
    - a. Six paper copies of the proposed lot split;
    - b. A statement indicating whether water and/or sanitary sewer service is available to the property, and a statement indicating that all utility service shall be installed beneath the surface of the ground in accordance with section 30-345; and
    - c. Land descriptions and acreage of the two proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the state. If a lot contains any principal or accessory structures, a survey showing

the structures on the lot shall accompany the application. A survey is not required for vacant lots. If the drawing is not a survey it shall be clearly indicated and labeled, "This is not a survey."

- (2) The lot split shall also conform to the following standards:
  - a. Each proposed lot must conform to the provisions of this chapter.
  - b. Each lot shall abut a public or approved private street, except as provided in this section and as provided in section 30-338(1)a for the required minimum lot width for the zoning district/category where the lots are located. In zoning districts in which there is no minimum lot width requirement, the lot or parcel of land must abut a public or approved private street for the maximum driveway width, dimension requirement, [as provided in section 30-336(8)], plus any required turning radii area. In districts, however, where single-family dwellings are a permitted use, any lot which cannot conform to the minimum property frontage requirements may be allowed to abut a public or approved private street for only 25 feet, or have access provided, at a minimum, with a perpetual access easement containing a road or drive that is deemed capable of carrying public safety vehicles for the purpose of constructing one single-family dwelling only.
  - c. If any lot abuts a street right-of-way which does not conform to the design specifications provided in subsection 30-187(h), the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements. This dedication shall be accomplished in the manner provided in subsection 30-189(a)(2)d.
- (3) The department of community development shall then transmit a copy of the proposed lot split to the several departments of the city for review and comments. The department of community development shall process only those lot splits which do not require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement required under this chapter.
- (4) If the proposed lot split meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the director of community development or designee shall approve the lot split by affixing his/her signature to the application form.
- (5) Upon approval of the lot split, the departments of community development and community improvement shall record the split on the appropriate maps and documents.
- (6) Restrictions:
  - a. Lot splits are not permitted in minor subdivisions approved in accordance with the provisions of this chapter.
  - b. No further division of an approved lot split is permitted under this section, unless a minor subdivision or record plat is prepared and submitted in accordance with this chapter.



(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4020, § 2, 9-26-94; Ord. No. 991381, §§ 4, 5, 9-25-00)

**Sec. 30-191. Single lot replatting.**

- (a) *Purpose and intent.* The purpose of this section is to establish an abbreviated process by which existing (improved) subdivision lots may be replatted without going through the standard process of platting or replatting subdivisions. Platted streets with reversionary clauses in their dedication shall be in accordance with the provision of F.S. 177.085.
- (b) *When a lot may be replatted.* Individual lots shown on recorded plats that depict easements or front, side, or rear building setback lines may be replatted under this section. The lot must be improved (building or structure) and there must be an encroachment upon one or more of the building setback lines or easements indicated on the recorded plat.
- (c) *Single lot replatting application requirements:*
  - (1) An application form provided by the department of community development shall be completed and filed with the department, accompanied with the following:
    - a. Six paper copies of the proposed (final) plat of the lot. The record plat should be signed by all lot owner(s) of record and mortgagee(s), if any;
    - b. Six copies of a survey of the lot and improvements certified by a professional land surveyor registered in the state as to meeting minimum technical standards set forth pursuant to F.S. § 472.027. The survey should be drawn and submitted on a drawing no less than 11" X 17" in size;
    - c. Six copies of the existing recorded subdivision;
    - d. Title evidence that conforms to the requirements of F.S. § 171.041;
    - e. Taxes paid receipt;
    - f. Formal consent of the requisite number of owners of properties within the subdivision or from the authorized representative of the homeowners association of the subdivision or other authorized entity or individual affixed to or attached to the linen or film that will be recorded in the public records;
    - g. In the event there is an encroachment over, under, upon or through an easement, the release or extinguishment of the easement from appropriate utility(ies).
    - h. An opinion from an attorney addressed to the City of Gainesville that the homeowners association, entity or owner(s) of property have the authority to amend the restrictions, platlines, easements, etc., as applicable, and that the consent has been properly

executed by the appropriate parties.

(d) *Single lot replatting process:*

- (1) Application plus all supporting documents must be submitted to the department of community development.
- (2) The department of community development shall then transmit a copy of the replat materials to the several departments of the city for review and comment.
- (3) Upon the adoption of a resolution approving the replat of the single lot, the original linen or stable base film drawing of the replat shall be recorded with the clerk of the circuit court. It shall be recorded by the property owner requesting replat with all fees paid by that owner. Upon recording the replat, three signed and sealed linens and three signed and sealed paper print copies shall be submitted to the department of community development for its records.

(Ord. No. 4012, § 2, 8-22-94)

**Sec. 30-192. Supplemental provisions.**

(a) *Reversion of subdivided land to acreage.* Reversion of subdivided land to acreage shall be in accordance with the provisions of F.S. § 177.101.

(b) *Street vacation.*

- (1) On application to abandon public streets or public places by virtue of a new plat, the owners of land abutting the street or public place to be abandoned, or owning property within 300 feet thereof, shall be notified of the proposed abandonment and of the plan board meeting at which the application, as well as the new plat showing the area after the abandonment, shall be scheduled for public hearing and review. For this purpose the owners shall be deemed to be those persons shown as owners upon the city's latest tax rolls. The notice shall be mailed to the address shown upon the tax rolls at least ten days before the date of the hearing.
- (2) An application to abandon a public street or public place may be initiated by:
  - a. The city commission where it is deemed that the use of the public street or public place no longer serves a public purpose; or
  - b. Upon receipt of an application presented in the form of a petition which is to be signed by all owners of land abutting the portion of public street or place to be closed.
- (3) All applications for the abandonment of a public street or public place shall be considered by the city plan board at a public hearing, notice of which shall be placed in a newspaper of general circulation in the city at least ten days before the hearing. Where the city commission has initiated consideration of the abandonment, all owners of property abutting the portion to be abandoned shall be notified by mail ten days before the

hearing. For this purpose the owners shall be deemed to be those persons shown as owners upon the city's latest tax rolls. Prior to the public hearing, the petition proposing the abandonment shall be in accordance with the development plan review process, Division 1 of this article. Following the public hearing, the plan board shall submit a recommendation to the city commission concerning any petition to abandon the public street or public place.

- (4) At the public hearing, the Plan Board and the City Commission shall consider the following criteria in determining whether the general public welfare would be best served by the proposed action:
- a. Whether the public benefits from the use of the subject right-of-way as part of the city street system.
  - b. Whether the proposed action is consistent with the Comprehensive Plan
  - c. Whether the proposed action would violate individual property rights.
  - d. The availability of alternative action to alleviate the identified problems.
  - e. The effect of the proposed action upon crime.
  - f. The effect of the proposed action upon the safety of pedestrians and vehicular traffic.
  - g. The effect of the proposed action upon the provision of municipal services including but not limited to emergency service and waste removal.
  - h. The necessity to relocate utilities both public and private.
  - i. The effect of the proposed action will have upon property values in the immediate and surrounding areas.
  - j. The effect of the proposed action on geographic areas which may be impacted.
  - k. The effect of the proposed action on the design and character of the area.
- (c) *Criteria for modification of standards.* The appropriate reviewing board may recommend and the city commission may approve modifications from the terms of this article and the design manual when such modifications will promote the intent of this article and not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary hardship. Furthermore, the modifications shall not be recommended for approval by the development review board unless and until:
- (1) A written application for modification is submitted along with the design plat demonstrating:
- a. That special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other

lands, structures or required subdivision improvements; and

- b. That the special conditions and circumstances do not result from the actions of the subdivider or recent predecessors in title;
  - (2) The development review board makes a finding that the requirements of this section have been met;
  - (3) The development review board further makes a finding that the reasons set forth in the application justify the granting of the modification that would make possible the reasonable use of the land, buildings and other improvements; and
  - (4) The development review board further finds that the granting of the modification would be in harmony with the general purpose and intent of these regulations, will not be injurious to surrounding properties, and would not otherwise be detrimental to the public health and welfare.
- (d) *City commission approval of modification of standards.* The development review board shall submit its findings and recommendations to the city commission for action at or prior to city commission review of the design plat. In granting any modification, the city commission may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made a part of the terms under which the modification is granted shall be deemed a violation of this chapter.
- (e) *Exceptions for planned developments.* Exceptions may be made to the standards and requirements set forth in this chapter in the case of a planned development. Such a subdivision shall comply with the requirements of this chapter except where superseded by planned development criteria as approved by the city commission. Furthermore, design and final plat approvals under this chapter shall be only conditional in those instances where a zoning change is also necessary. In such circumstances an approved final plat shall not be recorded unless and until the ordinance enacting the required zoning change is finally adopted and becomes effective. Failure to obtain the change of zoning upon which design or final plat approval was predicated shall void such prior approval.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4012, § 2, 8-22-94; Ord. No. 960061, § 11, 6-8-98)

#### **Sec. 30-193. Enforcement.**

- (a) *Generally.* Within the city, no subdivision shall be made, platted or recorded, nor any building permit issued on subdivided lands, unless the subdivision meets all the requirements of this chapter and has been approved in accordance with the requirements provided in this chapter. The city or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this chapter, including injunctive relief to enjoin and restrain any person from violating the provisions of this chapter, and any rules and regulations adopted under this chapter.
- (b) *Building permits and certificates of occupancy.* No building permit or certificate of occupancy shall be issued for any lot or parcel of land subject to the provisions of this chapter, except as follows:

- (1) If the lot or parcel is within a subdivision for which a final plat has been approved by the city commission and recorded and the required improvements have been installed and accepted for maintenance by the city, both a building permit and a certificate of occupancy may be issued.
  - (2) If the lot or parcel is within a subdivision for which a final plat has been approved by the city commission and recorded and security for the required improvements has been provided by the developer in accordance with section 30-186 of this article, a building permit may be issued, but no certificate of occupancy may be issued unless the city manager determines that all required subdivision improvements serving such lot or parcel have been satisfactorily completed and that reasonable ingress and egress can be provided to the lot or parcel and the remaining portions of the subdivision until all improvements are complete and the required maintenance bond is received and approved.
  - (3) If the lot or parcel is within a minor subdivision which has been approved by the director of community development, city engineer, city traffic engineer and deputy manager for utilities (or their designees) in accordance with the provisions of this chapter.
  - (4) If the lot or parcel is part of a legal lot split which has been approved by the city manager or designee in accordance with the provisions of this chapter.
  - (5) If the lot or parcel is a nonconforming lot as provided in article IX.
- (c) *Violations.* Any person who, in connection with a subdivision of lands, shall do or authorize any clearing and grubbing, or shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or drainage structure, or shall erect any building or transfer title to any land or building, without having first complied with the provisions of this chapter, or who performs any of such actions contrary to the terms of an approved subdivision plat, or who otherwise violates this chapter, shall be guilty of an offense. Each day that the violation continues shall constitute a separate violation.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4012, § 2, 8-22-94)

Secs. 30-194--30-199. Reserved.

Revised 7/15/04

Revised 8/11/05

7. **Petition 122TCH-05 PB** City of Gainesville. Amend the development review process for subdivision approval to allow city staff to approve design plats of 5-19 lots, and to modify the requirements for subdivision approval.

Mr. Ralph Hilliard was recognized. Mr. Hilliard indicated that the petition before the board followed a petition on the development review process that the board had discussed at their July meeting. He explained that it implemented the changes proposed in that petition. He noted that, at the present time, 5 or fewer lots was considered a minor subdivision which was approved by staff. He indicated that, currently, any proposed subdivision over 5 lots went to the Development Review Board and then the City Commission. He explained that the proposal was for subdivisions of 5 to 19 lots to be reviewed by staff, then be forwarded to the City Commission, and skip the Development Review Board stage. He noted that a proposal for over 19 lots would go to the Development Review Board and then on to the City Commission. Mr. Hilliard explained that the proposed ordinance also involved changes in the information required for review. He indicated that, as proposed, a complete stormwater management plan would have to be submitted during the design plat stage. He noted that some persons in the development community had raised concerns that the requirement would be too difficult to meet at that stage. He suggested that some flexibility be added to the process to allow submission of a preliminary design plat that would not have all the stormwater information, but would have enough to gauge whether all the other requirements could be met. Mr. Hilliard indicated that staff recommended that the board approve the petition, adding a provision to allow staff to work with a developer on a plan that did not meet the requirement for complete stormwater management until a later stage of development. He offered to answer any questions from the board.

Mr. Reiskind asked if the petition applied to design plats in single-family zoning.

Mr. Hilliard explained that there were commercial subdivisions such as industrial parks as well as single-family. He noted that there were not many subdivisions for multi-family lots.

Mr. Polshek asked if staff could judge how difficult it would be to develop a good stormwater management plan.

Mr. Hilliard explained that the first preliminary subdivision plan presented might change because no soil borings had been made at that time. He noted, however, the preliminary plan would give the public concerned about the development the opportunity to review the proposal. He noted that, once a preliminary review had been done, the number of lots could not be increased, but the number could be decreased to address any stormwater issues that might arise with further review. Mr. Hilliard explained that the next phase of the development would require a full stormwater management plan as part of the entire construction plan.

Mr. Reiskind asked about the proposed new criteria listed in the Code.

Mr. Hilliard stated that the criteria were previously policy decisions but, if the proposed changes were approved, they would become Code requirements.

Mr. Gold noted that there had been a bit of controversy concerning changing the thresholds for review by the Development Review Board. He indicated that he would vote for the petition, however, he still supported the idea of citizen review of development and did not support raising thresholds for that review as had been proposed.

Mr. Polshek cited a concern that the Development Review Board was a bit of a “rubber stamp” board because the projects that come before it had met all of the Code requirements. He noted that, while the public had the opportunity to speak at the public hearing, it was decided before that time.

Mr. Reiskind pointed out that all of the design plat petitions would go to the City Commission.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Reiskind	<u>Seconded By:</u> Mr. Tecler
<u>Moved to:</u> Approve Petition 122TCH-05 PB with the recommendation that, for flexibility, staff have the ability to allow preliminary design approval of projects.	<u>Upon Vote:</u> Motion Carried 5 – 0 Ayes: Gold, Polshek, Reiskind, Tecler, Cole