

Appendix B

Florida Statutes Chapter 177.102

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Land Development Code Reference

upon the second and subsequent plat of such lands, and the circuit court clerk of the county shall thereupon make proper notation of the annulment of such plat upon the face of such annulled plat.

(2) Whenever it is discovered that after the filing of a plat subdividing a parcel of land located in the county, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the governing body of the county that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the governing body of the county is authorized by resolution to vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees, and the circuit court clerk of the county shall thereupon make proper notation of the action of the governing body upon the face of the first plat. The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

(3) The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown

that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

(4) Persons making application for vacations of plats either in whole or in part shall give notice of their intention to apply to the governing body of the county to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid. For the purpose of the tax collector's certification that state, county, and municipal taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under s. 194.171, the owner of the platted lands sought to be vacated shall post a cash bond, approved by the tax collector of the county where the land is located and by the Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to s. 194.192 adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable timeframe for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application. If such tract or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

(5) Every such resolution by the governing body shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the offices of the circuit court clerk and duly recorded in the public records of said county.

(6) All resolutions vacating plats by the governing body of a county prior to September 1, 1971, are hereby validated, ratified, and confirmed. Such resolutions shall have the same effect as if the plat had been vacated after September 1, 1971.

History.—s. 1, ch. 71-339; s. 1, ch. 79-86; s. 32, ch. 87-224; s. 9, ch. 98-20.

Sec. 30-338. General Lot and Building Requirements.

The following lot and building requirements shall apply in all zoning districts:

- (1) *Frontage on right-of-way.*
 - a. *Minimum property frontage.* In all districts except Planned Development District (PD), no building or structure, except as hereinafter provided, shall be erected on a lot or parcel of land which does not physically abut a public or approved private street for the required minimum lot width of the district where the same is located. The city manager or designee may designate a private street as an "approved private street" provided it meets one of the following standards:
 1. A perpetual ingress/egress easement recorded in the public records of Alachua County that provides legal access to the lot or parcel of land from a dedicated road or right-of-way and which is deemed capable of carrying public safety vehicles; or
 2. Property owned jointly or in common by all property owners fronting the private street as shown in the public records of Alachua County that connects to a dedicated road or right-of-way and which is deemed capable of carrying public safety vehicles.

For the purposes of this section, two classes of approved private streets shall be designated by the city manager or designee:

1. Existing private streets which were constructed prior to September 26, 1994; and
2. New private streets which are approved for construction after September 26, 1994.

The city manager or designee shall have the authority to approve or disapprove, for the purposes of erection of buildings or structures, private streets which existed prior to September 26, 1994. All private streets approved for construction after September 26, 1994 must meet the construction standards for public streets as shown in the Public Works Design Manual, except in the PD district. In PD districts, the geometric construction standards may be varied as set forth in the planned development ordinance. For the purposes of minor subdivision and lot splits, the approved private street must also meet the requirements in section 30-189.

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.

Notwithstanding any provision of this section to the contrary, a single-family dwelling, if it is an allowable use in the district, may be erected on a lot or parcel of land which abuts at least one public or approved private street for at least 25 feet, provided that the minimum lot width for the district in which it is located is met at the required front yard setback line. Provided, further, that any single-family dwelling existing on a lot which does not conform to the provisions of this subsection (1) a of this section may be modified, enlarged or extended, and/or an accessory building or structure may be added to a single-family dwelling, provided that such modification, enlargement, extension or addition complies with all the other requirements of the district in which the lot is located.