

1           (3)     The department of community development shall then transmit a copy of  
2 the proposed minor subdivision to the several departments of the city for review and  
3 comment. The department of community development shall process only those  
4 subdivisions which do not require any street, sidewalk, bikeway, bridge, drainage facility,  
5 screening wall or any other improvement required under this chapter.

6           (4)     If the proposed minor subdivision meets the conditions of this section and  
7 otherwise complies with all applicable laws and ordinances, the technical review  
8 committee shall approve the minor subdivision by affixing their signatures to the original  
9 document. In the case of a residential minor subdivision, the subdivider must show that  
10 all the concurrency management requirements of this chapter have been met. Proof of  
11 meeting these requirements shall exist in the form of a certificate of concurrency  
12 exemption, certificate of final concurrency or certificate of conditional concurrency  
13 reservation. The approval of nonresidential subdivisions in no way reserves capacity for  
14 the purposes of concurrency.

15           (5)     Upon approval of the minor subdivision, the original linen or stable base  
16 film drawing of the survey and any covenants, deed restrictions or other required  
17 documents shall be filed with the clerk of the circuit court as an unrecorded map, in  
18 accordance with F.S. § 177.132. It shall be filed by the subdivider with all fees paid by  
19 the subdivider. Upon filing of the approved minor subdivision, a copy of any required  
20 documents, two (2) linen copies, and four (4) paper copies of the filed minor subdivisions  
21 shall be submitted to the department of community development for its records.

22 (b)     *Lot splits.* Every lot split shall be processed in the following manner:

- 1           (1) Prior to filing an application for a lot split the applicant must schedule a  
2 pre-application conference with staff. After the pre-application conference, a  
3 application form provided by the department of community development shall be  
4 completed and filed with the department, accompanied with the following:
- 5           a. Six paper copies of the proposed lot split;
  - 6           b. A statement indicating whether water and/or sanitary sewer service  
7 is available to the property, and a statement indicating that all  
8 utility service shall be installed beneath the surface of the ground in  
9 accordance with section 30-345; and
  - 10          c. Land descriptions and acreage of the two proposed lots and a  
11 scaled drawing showing the intended division shall be prepared by  
12 a professional land surveyor registered in the state. If a lot contains  
13 any principal or accessory structures, a survey showing the  
14 structures on the lot shall accompany the application. A survey is  
15 not required for vacant lots. If the drawing is not a survey it shall  
16 be clearly indicated and labeled, "This is not a survey."
- 17          (2) The lot split shall also conform to the following standards:
- 18          a. Each proposed lot must conform to the provisions of this chapter.
  - 19          b. Each lot shall abut a public or approved private street, except as  
20 provided in this section and as provided in section 30-338(1)a for  
21 the required minimum lot width for the zoning district/category  
22 where the lots are located. In zoning districts in which there is no  
23 minimum lot width requirement, the lot or parcel of land must abut

1 a public or approved private street for the maximum driveway  
2 width, dimension requirement, [as provided in section 30-336(8)],  
3 plus any required turning radii area. In districts, however, where  
4 single-family dwellings are a permitted use, any lot which cannot  
5 conform to the minimum property frontage requirements may be  
6 allowed to abut a public or approved private street for only 25 feet,  
7 or have access provided, at a minimum, with a perpetual access  
8 easement containing a road or drive that is deemed capable of  
9 carrying public safety vehicles for the purpose of constructing one  
10 single-family dwelling only.

11 c. If any lot abuts a street right-of-way which does not conform to the  
12 design specifications provided in subsection 30-187(h), the owner  
13 may be required to dedicate one-half the right-of-way width  
14 necessary to meet the minimum design requirements. This  
15 dedication shall be accomplished in the manner provided in  
16 subsection 30-189(a)(2)d.

17 (3) The department of community development shall then transmit a copy of  
18 the proposed lot split to the several departments of the city for review and comments. The  
19 department of community development shall process only those lot splits which do not  
20 require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any  
21 other improvement required under this chapter.

22 (4) If the proposed lot split meets the conditions of this section and otherwise  
23 complies with all applicable laws and ordinances, the director of community development

1 or designee shall approve the lot split by affixing his/her signature to the application  
2 form.

3 (5) Upon approval of the lot split, the departments of community development  
4 and community improvement shall record the split on the appropriate maps and  
5 documents.

6 (6) Restrictions:

7 a. Lot splits are not permitted in minor subdivisions approved in  
8 accordance with the provisions of this chapter.

9 b. No further division of an approved lot split is permitted under this  
10 section, unless a minor subdivision or record plat is prepared and  
11 submitted in accordance with this chapter.

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

13 (b) *Street vacation.*

14 (1) On application to abandon public streets or public places by virtue of a  
15 new plat, the owners of land abutting the street or public place to be abandoned, or  
16 owning property within 300 feet thereof, shall be notified of the proposed abandonment  
17 and of the plan board meeting at which the application, as well as the new plat showing  
18 the area after the abandonment, shall be scheduled for public hearing and review. For this  
19 purpose the owners shall be deemed to be those persons shown as owners upon the city's  
20 latest tax rolls. The notice shall be mailed to the address shown upon the tax rolls at least  
21 ten days before the date of the hearing.

22 (2) An application to abandon a public street or public place may be initiated  
23 by:

- 1 a. The city commission where it is deemed that the use of the public
- 2 street or public place no longer serves a public purpose; or
- 3 b. Upon receipt of an application presented in the form of a petition
- 4 which is to be signed by all owners of land abutting the portion of
- 5 public street or place to be closed.

6 (3) All applications for the abandonment of a public street or public place  
 7 shall be considered by the city plan board at a public hearing, notice of which shall be  
 8 placed in a newspaper of general circulation in the city at least ten days before the  
 9 hearing. Where the city commission has initiated consideration of the abandonment, all  
 10 owners of property abutting the portion to be abandoned shall be notified by mail ten days  
 11 before the hearing. For this purpose the owners shall be deemed to be those persons  
 12 shown as owners upon the city's latest tax rolls. Prior to the public hearing, the petition  
 13 proposing the abandonment shall be in accordance with the development plan review  
 14 process, Division 1 of this article. Following the public hearing, the plan board shall  
 15 submit a recommendation to the city commission concerning any petition to abandon the  
 16 public street or public place.

17 (4) At the public hearing, the Plan Board and City Commission shall make a  
 18 determination that:  
 19 a. the public street or public place no longer serves a public purpose;  
 20 or  
 21 b. the vacation of the public street or public place is in the public  
 22 interest.

1           (5) At the public hearing, the Plan Board and the City Commission shall  
2 consider the following criteria in determining whether the vacation is in the public  
3 interest:

4           a. Whether the public benefits from the use of the subject right-of-  
5 way as part of the city street system;

6           b. Whether the proposed action is consistent with the Comprehensive  
7 Plan;

8           c. Whether the proposed action would deny access to private  
9 property;

10          d. The effect of the proposed action upon public safety;

11          e. The effect of the proposed action upon the safety of pedestrians  
12 and vehicular traffic;

13          f. The effect of the proposed action upon the provision of municipal  
14 services including, but not limited to, emergency service and waste  
15 removal;

16          g. The necessity to relocate utilities both public and private;

17          h. The effect of the proposed action on the design and character of the  
18 area.

19           **Section 2.** It is the intention of the City Commission that the provisions of  
20 Section 1 of this ordinance shall become and be made a part of the Code of Ordinances of  
21 the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance  
22 may be renumbered or relettered in order to accomplish such intentions.

1 Section 3. If any section, sentence, clause or phrase of this ordinance is held to be  
2 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
3 in no way affect the validity of the remaining portions of this ordinance.

4 Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the  
5 extent of such conflict hereby repealed.

6 Section 5. This ordinance shall become effective immediately upon final  
7 adoption.

8 PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2007.

9 \_\_\_\_\_  
10 PEGEEN HANRAHAN,  
11 MAYOR

12 ATTEST:

13 Approved as to form and legality

14 \_\_\_\_\_  
15 KURT M. LANNON  
16 CLERK OF THE COMMISSION

17 \_\_\_\_\_  
18 MARION J. RADSON  
CITY ATTORNEY

19 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2007.

20 This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2007.