

ORDINANCE NO: 050256  
0-06-63

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4           **An ordinance of the City of Gainesville, Florida, amending the**  
5           **Land Development Code relating to approval of design plats**  
6           **and modifying the requirements and procedures for**  
7           **subdivision approval; amending sections 30-180 through 30-**  
8           **185 and sections 30-187(b), 30-189, and 30-192(b), of Division**  
9           **2, Subdivisions and Street Vacation, of Article VII,**  
10           **Development Review Process by amending the procedure for**  
11           **the approval of a final plat; amending design standards and**  
12           **the criteria relating to a street vacation; providing directions to**  
13           **the codifier; providing a severability clause; providing a**  
14           **repealing clause; and providing an immediate effective date.**  
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17           **WHEREAS**, the City Plan Board authorized the publication of notice of a Public  
18 Hearing that the text of the Land Development Code of the City of Gainesville, Florida,  
19 be amended; and

20           **WHEREAS**, notice was given and publication made as required by law and a  
21 Public Hearing was then held by the City Plan Board on September 15, 2005; and

22           **WHEREAS**, the City Commission heard and approved this petition on May 22,  
23 2006; and

24           **WHEREAS**, pursuant to law, at least 10 days notice has been given once by  
25 publication in a newspaper of general circulation notifying the public of this proposed  
26 ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City  
27 of Gainesville; and

28           **WHEREAS**, the Public Hearings were held pursuant to the published notice  
29 described at which hearings the parties in interest and all others had an opportunity to be  
30 and were, in fact, heard;  
31

1           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**  
2           **OF THE CITY OF GAINESVILLE, FLORIDA:**

3           **Section 1.** Sections 30-180 through 30-185 and Sections 30-187(b), 30-189 and  
4           30-192(b) of Division 2, Subdivisions and Street Vacation, of Article VII, Development  
5           Review Process, of the City of Gainesville Land Development Code, are amended to read  
6           as follows:

7                                 ARTICLE VII. DEVELOPMENT REVIEW PROCESS.

8           DIVISION 2. SUBDIVISIONS AND STREET VACATION

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

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

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

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

15 **Sec. 30-182. Pre-application conference.**

16 (a) *Required.* Prior to the preparation of a design plat, the subdivider shall seek the  
17 advice of the ~~technical review committee~~ city staff to become familiar with the  
18 subdivision requirements, city policies and provisions of the comprehensive plan ~~and~~  
19 ~~official roadway map affecting the territory in which the proposed subdivision is located.~~  
20 The subdivider ~~shall submit~~ is encouraged to bring the plans and data specified ~~required~~  
21 in subsections 30-182(c) ~~and 30-182(d)~~ so as to clearly show existing conditions of the  
22 site and its vicinity and the proposed layout of the subdivision. It is intended that the

1 procedure will assist the subdivider in preparing a plat which will meet the requirements  
2 of this article. This procedure does not require a formal application or fee.

3 (b) *Prohibited or discouraged designs or improvements.* As indicated in this article  
4 and further referenced in the design manual, certain practices, designs or improvements  
5 are discouraged or prohibited. If prohibited, a modification will be required pursuant to  
6 subsection 30-~~1924~~(c) in order for the same to be allowed. If discouraged, the same may  
7 be allowed by the city commission depending on a proper showing of necessity (less than  
8 that required for a modification) and the infeasibility of requiring the preferred practices,  
9 designs or improvements when applied to the particular circumstances involved.

10 (c) Concept Review (Sketch drawing).

11 (1) The applicant may submit an application for the optional concept  
12 subdivision review. The concept review for subdivision of land consisting of more than  
13 20 lots may be reviewed shall be done by city staff. A sketch shall be submitted by the  
14 subdivider for a the concept review ~~by the technical review committee and other~~  
15 ~~appropriate agencies.~~

16 (2) The sketch shall contain the following data:

- 17 a. Approximate tract boundaries;
- 18 b. Approximate location with respect to section lines;
- 19 c. Streets on and adjacent to the tract;
- 20 d. Proposed general street layout;
- 21 e. Environmental features including but not limited to Ssignificant  
22 topographical and physical features including creeks, uplands,

- 1 lakes and wetlands, FEMA and community determined flood  
2 plains, and heritage trees;
- 3 f. Generalized existing vegetation;
- 4 g. Proposed general lot layout and the total number of lots;
- 5 h. Existing buildings on the property; ~~and~~
- 6 i. ~~Proposed phasing plan.~~ Land use and zoning designation of the  
7 subject property; and
- 8 j. Generalized stormwater management plan.

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

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

16 ~~(d) Map showing adequate collector system. Accompanying the sketch shall be a~~  
17 ~~map available from the department of community development, showing the following~~  
18 ~~features:—~~

19 ~~(1) The map shall be drawn to the scale of no smaller than one inch equals~~  
20 ~~1,000 feet.~~

21 ~~(2) The map shall show the nearest perimeter of arterial roads, both existing~~  
22 ~~and planned on the official roadway map, located within two miles of the land on which~~

1 the plat is located. If there are no arterials for two miles on any side, a note to that effect  
2 shall be provided.

3 (3) ~~—The map shall show the collector roads, both existing and planned on the~~  
4 ~~official roadway map, serving the area. Before any plat is accepted for any area, adequate~~  
5 ~~collectors, planned or existing, shall be designated by the city to service all of the~~  
6 ~~developable areas within the perimeter of arterials in the vicinity of the proposed~~  
7 ~~subdivision so as to coordinate the proposed subdivision transportation system with that~~  
8 ~~permissible and appropriate under the comprehensive plan, assuming those vacant~~  
9 ~~developable portions are completely developed in accordance with the current land use~~  
10 ~~plan. The designation of collectors may proceed concurrently with the review process.~~  
11 ~~Approval of any subdivision by the city commission shall not be delayed more than 45-~~  
12 ~~days from the requested design plat review date to allow the designation of appropriate~~  
13 ~~collectors to serve the subdivision.~~

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

15 (a) *Generally.* Following the pre-application conference, the public notice process,  
16 and prior to any subdivision of lands, the subdivider shall first obtain approval of a design  
17 plat for 5 — 19 lots from city staff, and 20 or more lots from the development review  
18 board and city commission, pursuant to the procedures and specifications provided in this  
19 article. Prior to the recording of an approved final plat, or prior to the conditional  
20 approval of a final plat, clearing and grubbing of land, tree removal and the construction  
21 of improvements is expressly prohibited. Following a pre-application conference on a  
22 parcel, the requirements of subsection 30-183(a) become applicable and supersede any  
23 other regulation on tree removal.

1 (b) *Application.* To obtain design plat approval, the subdivider shall submit an  
2 application and the appropriate filing fee to the department of community development,  
3 on such form as provided by the department. Each application shall include multiple  
4 copies of the design plat as necessary to facilitate the review process, prepared in  
5 accordance with the standards specified in Article VII, Division 1, of this chapter and  
6 including all of the items required by subsection 30-183(e). Proposed residential  
7 subdivisions must meet the level of service standards adopted in the comprehensive plan.  
8 Proof of meeting these standards shall exist in the form of a certificate of concurrency  
9 exemption, certificate of preliminary concurrency or certificate of conditional  
10 concurrency reservation.

11 (c) *Fees.* The fee required with an application for design plat approval shall be in  
12 accordance with the schedule set out in Appendix A of the City Code. Such fees are  
13 required to defray the cost of filing the application, notifying interested parties,  
14 conducting investigations, and holding hearings on the design plat and final plat.

15 (d) *Developments of regional impact.* For any subdivision which is presumed to be a  
16 development of regional impact as provided in F.S. Ch. 380 and Chapter 27F, Florida  
17 Administrative Code, additional copies of the design plat and a completed application for  
18 development approval shall be submitted for filing with the regional planning agency and  
19 the state land planning agency.

20 (e) *Specifications.*

21 (1) The design plat shall be drawn clearly and legibly at a scale of at least one  
22 inch equals 100 feet on linen or stable base film, using a sheet size of 24 inches [by] 36  
23 inches, reserving a three-inch binding margin on the left side and a one-inch margin on

1 the other three sides. If more than one sheet is required, an index map relating each sheet  
2 to the entire subdivision shall be shown on the first sheet. The design plat shall be  
3 prepared by a land surveyor, signed and sealed before review, and shall contain the  
4 following information:

- 5 a. Proposed name of the subdivision;
- 6 b. Name and registration number of surveyor;
- 7 c. Date of survey approval, north point with bearing or azimuth  
8 reference clearly stated in the notes or legend, graphic and written  
9 scale, and space for revision dates;
- 10 d. Vicinity map showing location with respect to major roads and  
11 acreage of the subdivision;
- 12 e. Boundary line of the tract by bearings and distances;
- 13 f. Legal description of the tract to be subdivided;
- 14 g. Preliminary layout including streets, alleys and easements with  
15 dimensions and proposed street names, lot lines with approximate  
16 dimensions, land to be reserved or dedicated for public uses, and  
17 designation of any land to be used for purposes other than single-  
18 family dwellings;
- 19 h. Total number of lots;
- 20 i. The front building setback line for each lot; and
- 21 j. An inscription stating "NOT FOR FINAL RECORDING."
- 22 k. Sidewalks, on all streets, on both sides, and at least five feet wide.  
23 Sidewalks not required on cul-de-sac or dead end or loop less than



1 100 feet long. Sidewalk required on at least one side of street on  
2 cul-de-sac or dead end or loop from 100 to 250 feet long, and for a  
3 project in which the closest lots to a connecting street on a cul-de-  
4 sac or dead end are at least 1,000 feet from the street it stems from.  
5 Sidewalks on both sides on cul-de-sac or dead end or loop greater  
6 than 250 feet long.

7 (2) The design plat shall also contain or be accompanied by:

8 a. The name, address and telephone number of the property owner  
9 and of any agent of the property owner involved in the subdivision  
10 of the property;

11 ~~b. The names of owners of any unplatted abutting property and the~~  
12 ~~approximate acreage of the property;~~

13 b. The exact locations, names and widths of all existing streets, alleys  
14 and recorded easements within and immediately adjoining the  
15 subdivided lands;

16 cd. The location and a general description of any utilities facility on  
17 the subdivision tract;

18 de. The invert elevation of existing and proposed sewers;

19 ef. The location and size of existing improvements on the subdivision  
20 tract;

21 fg. The zoning and land use plan designations of lands within the  
22 subdivision tract and of abutting property;

1 gh. Natural and manmade features on the subdivision tract, including  
2 creeks, ponds, lakes, sinkholes, wetlands, watercourses, municipal  
3 and community wellfield management zones, major aquifer  
4 recharge areas, and lands within the floodplain and flood channel  
5 as shown on the community determined city's adopted flood  
6 control maps and FEMA.

7 hi. The location of all major tree groupings and identification of all  
8 hHeritage trees by genus and species on the subdivision tract, a  
9 designation of which tree groupings and hHeritage trees are  
10 proposed to be removed, and identification by genus and species of  
11 all regulated trees as defined in section 30-254 located in or within  
12 15 feet of any proposed right-of-way or utility improvement.

13 ij. Complete Stormwater Management Plan in accordance with  
14 Section 30-270 and the public works design manual; ~~Surface-~~  
15 ~~drainage with direction of flow, names and locations of drainage-~~  
16 ~~basins and subbasins, an analysis of the adequacy of downstream-~~  
17 ~~stormwater conveyance systems to accommodate the rate and-~~  
18 ~~volume of stormwater runoff expected from the proposed-~~  
19 ~~subdivision, both during construction and after development, and~~  
20 ~~an indication of the proposed method of disposition including a~~  
21 ~~plan of retention or detention facilities with surface dimensions and~~  
22 ~~depth~~

23 jk. A soil survey map;

1            kl.    A generalized statement outlining, as far as is known, the  
2                            subsurface conditions of the subdivision tract, including subsurface  
3                            soil, rock and groundwater conditions, the location and results of  
4                            any soil permeability tests, the location of any underground storage  
5                            tanks, and the location and extent of any muck pockets;

6            lm.    A topographic map of the subdivision tract and a minimum of 100  
7                            feet or more of the surrounding area as required to determine the  
8                            offsite drainage and any impacts caused by or related to the offsite  
9                            drainage. The map shall be prepared by a land surveyor, with  
10                            maximum intervals of one foot where overall slopes are no more  
11                            than two percent, two feet where slopes are between two and ten  
12                            percent, and five feet where slopes are ten percent or greater based  
13                            on North American Vertical Datum, 1988 National Geodetic  
14                            Survey datum; and

15            mn.    A general location map showing the relationship of the subdivision  
16                            tract to such external facilities as streets, residential area,  
17                            commercial facilities and recreation/open space areas, and  
18                            greenways, within one mile of the tract.

19            (3)    If the proposed subdivision contains land located within the floodplain as  
20                            shown on the community determined city's adopted flood control maps and FEMA maps,  
21                            the subdivider shall be required to submit topographic information for areas adjoining  
22                            sides of the channel, cross sections for land to be occupied by the proposed development,

1 high water information, boundaries of the land within the floodplain and other pertinent  
2 information.

3 (4) If the proposed subdivision contains land located within the surface water,  
4 wetlands or uplands district, the subdivider shall be required to submit the following  
5 additional information for those areas designated:

6 a. ~~A classification of existing vegetation on the subdivision tract~~  
7 ~~according to the Florida Land Use, Cover, and Forms~~  
8 ~~Classification System.~~

9 b. A vegetation overlay at the same scale as the design plat showing  
10 special protection species of plants and animals.

11 be. A design plat showing buffer distances between areas to be  
12 developed and designated surface water or upland environmental  
13 features.

14 cd. Square footage and percent of total subdivision tract to consist of  
15 impervious surface.

16 de. A description of strategies to protect or restore environmental  
17 features and special protection species on the subdivision tract.

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

21 (f) *Officials' examination.*

22 (1) Prints of the design plat shall be referred by the department of community  
23 development to the technical review committee and other applicable departments and

1 agencies for review and findings. The officials involved shall report their findings and  
2 recommendations to the department of community development.

3 (2) The director of public works or designee ~~and the city traffic engineer~~ shall  
4 examine and check the design plat to determine if the application conforms to criteria for  
5 general engineering, traffic and stormwater management, flood plains and maintenance  
6 easement requirements.

7 (3) The general manager for utilities or designee shall examine and check the  
8 design plat for needed utility easements.

9 (4) The department of community development shall, at the development  
10 review board and city commission hearings on the design plat, report the  
11 recommendations of the several agencies above-mentioned and county, state and federal  
12 agencies, together with an analysis of the conformance and nonconformance of the design  
13 plat to the provisions of this chapter and other applicable requirements.

14 (g) *Review of design plan.* The development review board review shall include  
15 consideration of staff findings and evidence and testimony from the general public. The  
16 board shall determine if the proposed subdivision is in conformity with the general goals  
17 and objectives of the city with respect to the officially adopted comprehensive plan; the  
18 city's official roadway map; existing zoning requirements, including amendments thereto;  
19 policies and plans established by the city with respect to neighborhoods, lake levels,  
20 water supply, protecting environmental features, provision for emergency access,  
21 consideration of pedestrian, bicycle and transit access and greenway connections, waste  
22 disposal and other essential utilities; the overall stormwater management plan; and  
23 policies for development in any special improvement and redevelopment districts.

1 Particular attention shall be given to the arrangement, location and width of streets, their  
2 relation to the topography of the land, water supply, sewage disposal, stormwater  
3 management, lot sizes and arrangement and the present or future development of abutting  
4 property.

5 (h) *Development review board approval.*

6 (1) At a scheduled public meeting, the development review board will receive  
7 reports on and review the design plat to determine its conformance with all applicable  
8 requirements.

9 (2) The board may approve the design plat as presented if found to be in  
10 compliance, require modifications, or disapprove the plat. Approval of the design plat,  
11 subject to conditions, revisions and modifications as stipulated by the board, shall  
12 constitute conditional board approval of the subdivision as to the character and intensity  
13 of development and the general layout and approximate dimensions of streets, lots and  
14 other proposed features. If the design plat is disapproved, the development review board  
15 shall indicate the reasons therefor.

16 (i) *City commission review.*

17 (1) Within 60 days after development review board approval, the subdivider  
18 shall file with the department of community development at least three copies of the  
19 approved design plat, including the modifications, if any, imposed by the development  
20 review board. Should the plat not be so filed within that period, no preliminary  
21 development order shall be issued unless an extension of time is requested in writing  
22 prior to the expiration of that period and is granted by the city commission. In granting an  
23 extension, the city commission may attach such other restrictions or conditions as the

1 commission deems appropriate to serve the public interest. In the case of residential  
2 subdivisions, the city commission may vote to grant extensions for design plat review of  
3 up to six months only and only if the subdivider possesses a valid, unexpired certificate of  
4 concurrency exemption, certificate of preliminary concurrency or certificate of  
5 conditional concurrency reservation, as appropriate. Further extensions for city  
6 commission review of design plats for residential subdivisions shall require a new  
7 concurrency review.

8 (2) The city commission shall review the recommended design plat and  
9 consider findings made by the development review board and/or staff. The city  
10 commission shall determine if the proposed subdivision is in conformity with the general  
11 goals and objectives of the city with respect to the officially adopted comprehensive plan;  
12 existing zoning requirements, including all amendments thereto; policies and plans  
13 established by the city with respect to neighborhoods, lake levels, water supply,  
14 protecting environmental features, provision for emergency access, consideration of  
15 pedestrian, bicycle, vehicle and transit access and greenway connections, waste disposal  
16 and other essential utilities; the overall stormwater management plan; and policies for  
17 development in any special improvement and redevelopment districts. Particular attention  
18 shall be given to the arrangement, location, function and width of streets, their  
19 consistency with the goal of developing a multimodal transportation network, their  
20 interaction with the overall transportation system and relation to the topography of the  
21 land, water supply, sewage disposal, stormwater management, lot sizes and arrangement  
22 and the present or future development of abutting property.

23 (j) *City commission approval.*

1           (1)     The commission may approve the design plat as presented if found to be in  
2 compliance, require modifications, or disapprove the design plat if it is not in compliance.  
3 If disapproved, the design plat must be redesigned before resubmission for ~~development~~  
4 ~~review board~~ approval.

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

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

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



1 (b) *Submission and review.* The subdivider shall submit five sets of plans to the  
2 planning division within community development for review by the following: public  
3 works department, Gainesville Regional Utilities, Alachua County Environmental  
4 Protection Department, community development department and the building department  
5 or other department to be determined by the planning division. The plans shall be  
6 submitted during a regular review cycle for development review. ~~The review shall be~~  
7 ~~conducted and a decision issued within 60 days.~~ a minimum of one set of prints of the  
8 complete construction plans to the director of public works and one set of prints to  
9 Gainesville Regional Utilities and one set of prints to the county office of environmental  
10 protection.

11 Following their reviews, if the construction plans are consistent with the approved  
12 design plat and comply with all standards and specifications, public works department  
13 and Gainesville Regional Utilities shall notify the subdivider and the planning division  
14 within the department of community development of construction plan approval. If the  
15 construction plans are not consistent with the design plat as approved by the city  
16 commission or do not comply with all standards and specifications, the public works  
17 department and Gainesville Regional Utilities shall notify the subdivider of:

18 (1) Conditional construction plan approval, subject to any necessary  
19 modifications which shall be indicated on the plans or attached to them in writing; or

20 (2) Disapproval of the construction plans or any portion thereof, indicating in  
21 writing the reasons for the disapproval. The subdivider shall be responsible for timely  
22 resubmittal of acceptable plans within 12 months from the date of approval of the  
23 preliminary development order.

1 (c) *Required maps and drawings.* Plans for the proposed improvements and a  
2 boundary survey shall be required to be approved by the public works department and  
3 Gainesville Regional Utilities prior to approval of the final plat by the city commission.  
4 The final plat shall be recorded in the public records unless the subdivider has complied  
5 in all respects with subsection 30-186(e). The improvement plans shall show the  
6 proposed locations, sizes, types, grades and general design features of each facility, and  
7 shall be based upon reliable field data. These drawings shall include, at a minimum, a  
8 topographic map, stormwater management plan, and construction drawings showing  
9 street profiles, street cross sections and water supply, sewer and stormwater management  
10 as specified by the public works department and Gainesville Regional Utilities.

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

12 (a) Following approval of the construction plans, approval of a final plat shall be  
13 obtained in accordance with the following procedures:

14 (1) *Conformance to design plat.* The final plat shall conform to the design  
15 plat as approved by the city commission and shall incorporate all modifications and  
16 revisions specified in the approval, except shifts in stormwater and roadway facilities that  
17 do not change lot layout may deviate from the design plat with City Manager, or  
18 designee, approval. The final plat may constitute only a portion of the approved design  
19 plat.

20 (2) *Application for approval.* After the design plat of a proposed subdivision  
21 has been approved by the city commission, the subdivider has 12 months or such  
22 additional time as may be granted by the city commission to submit a final plat subject to  
23 the provisions and requirements of subsection 30-183(i)(2). Additionally, the final plat

1 and other ~~required~~ information required below must be submitted in correct form to the  
2 department of community development at least ~~15~~ 25 working days (to allow for  
3 advertising) prior to the meeting of the city commission at which the plat will be  
4 considered. The following must be submitted for ~~in conjunction with~~ the final plat  
5 review:

- 6 a. The original stable base film tracing of the final plat prepared in  
7 accordance with the requirements of this article, F.S. Ch. 177, and  
8 any other applicable statutes and ordinances.
- 9 b. A title opinion of an attorney at law licensed in Florida or a  
10 certification by an abstractor or title company as required by F.S.  
11 Ch. 177.
- 12 c. Any other required documents, such as those required by  
13 subsection 30-186.
- 14 d. An additional fee in accordance with the schedule set out in  
15 appendix A to defray the expense of investigating, holding  
16 hearings and acting upon the final plat.
- 17 e. An additional fee in accordance with the schedule set out in  
18 appendix A to defray the expenses of inspection of roadway and  
19 drainage facilities by the city manager or designee.

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

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

7 The final plat shall also contain:

- 8 (1) The exact boundary line of the tract;
- 9 (2) A vicinity map showing the location and acreage of the lands subdivided;
- 10 (3) The location of all creeks, ponds, lakes, sinkholes, wetlands and  
11 watercourses within the subdivided lands and any part of the lands within the flood  
12 channel or floodplain as shown on the city's flood control maps adopted pursuant to  
13 Article VIII as of the date of final plat submission;

14 (4) The front building setback line for each lot; and

15 (5) Any subdivision boundary that is within a half-mile radius of any  
16 horizontal geodetic control monument established by the county control densification  
17 survey or National Geodetic Survey Horizontal or Vertical Control Network bearing  
18 confirmed coordinate values related to the 1983 and the 1990 North American Datum

19 Adjustment must conform to the following requirements:

- 20 a. All final plats shall identify all horizontal and vertical geodetic  
21 control monuments as described above located within 500 feet of  
22 the proposed plat boundary;

- 1                   b.     All plats shall have a minimum of three permanent reference  
2                                   monuments per 40 acres of platted subdivision, which shall have  
3                                   state plane coordinates established from the 1983 and the 1990  
4                                   North American Datum Adjustment delineated on the plat and  
5                                   shall be tied directly to the plat boundaries;
- 6                   c.     All plats shall have a minimum of two benchmarks located and  
7                                   described with the plat which shall be projected from North  
8                                   American Vertical Datum, 1988~~National Geodetic Vertical Datum,~~  
9                                   ~~1929~~ or later.
- 10                  d.     The basis of bearings for all plats shall be grid north as established  
11                                   from the county control densification survey and state plane  
12                                   coordinate system and/or National Geodetic Survey Horizontal  
13                                   Control Network;
- 14                  e.     The state plane coordinates and bearing basis shall be established  
15                                   by conducting a self-closing traverse(s) between two horizontal  
16                                   geodetic control monuments. Each traverse shall meet or exceed ~~be~~  
17                                   ~~performed to~~ third order class one standards of accuracy as  
18                                   described in the most recent version of the Standards and  
19                                   Specification for Geodetic Control Network (SSGCN), as set forth  
20                                   by the Federal Geodetic Control Committee. When a development  
21                                   contains multiple units, a major control traverse tied to two  
22                                   horizontal geodetic control monuments may be submitted with the  
23                                   first phase, with subsequent units being tied to this control traverse.

- 1 f. A traverse sheet identifying the field angles, permanent reference  
2 points, distances and the adjustments shall be submitted on 8 1/2-  
3 inch by 11-inch paper with the plat submitted for final  
4 development review. Copies of the field notes must also be  
5 submitted. All documents must be signed and sealed by a surveyor.
- 6 g. All geodetic monuments, including traverse stations set for the  
7 county control densification survey, that fall within the limits of a  
8 development must be shown on the development plan and  
9 construction plans. All geodetic monuments that are in danger of  
10 being disturbed or destroyed must be referenced by a surveyor prior  
11 to the start of construction and reset by a surveyor after the  
12 construction is complete. If it is not practical to reset the geodetic  
13 monument in its original position, an off-set monument may, with  
14 the approval of the city manager or designee, be set. The  
15 referencing and resetting of a geodetic monument shall be in  
16 accordance with the specifications set forth in article 2.1 of the  
17 SSGCN. Traverse stations shall require an accuracy of third order  
18 class one and primary stations and their Azimuth marks shall  
19 require second order class one accuracy standards. The surveyor  
20 who resets the geodetic monument shall be responsible for the  
21 preparation and submittal of all documents necessary for the  
22 notification of the state department of environmental protection,  
23 city engineer, the county property appraiser's office and any other

1 appropriate government agency. Notification shall include, but not  
2 be limited to, a complete description of the geodetic monument  
3 with all its accessories, an accurate how-to-reach description, the  
4 date of last station recovery, the name of the person recovering  
5 monumentation, and the address of the recovery party. This work  
6 shall be performed prior to the final inspection and/or acceptance  
7 of the development.

8 h. Any person who disturbs or destroys a geodetic monument shall be  
9 fully responsible for the expense of having the monument reset by  
10 a surveyor. The city may, at the expense of the person responsible  
11 for disturbing or destroying the monument, have a surveyor reset  
12 the geodetic monument in accordance with the specifications set  
13 forth in article 2.1.

14 i. For purposes of this section, a surveyor means a person who is  
15 registered to engage in the practice of surveying and mapping  
16 under F.S. Ch. 472.

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

18 (1) Staff review. Prior to final plat approval, city staff ~~the technical review~~  
19 ~~committee~~ and the City Attorney's office law department shall review the proposed plat  
20 and supporting documents. If the proposed plat and supporting documents ~~they~~ meet the  
21 technical requirements of this chapter and other applicable laws and ordinances, the  
22 departments shall approve the plat as to the requirements within their areas of  
23 responsibility.

1           (2)     *City commission review.* If the final plat is consistent with the design plat  
2 as approved by the city commission, meets all requirements of this chapter, and otherwise  
3 complies with all applicable laws and ordinances, it shall be forwarded to the city  
4 commission for final consideration. Upon approval, the final plat shall bear certification  
5 of the approval by the clerk of the city commission.

6     (d)     *Recording.* Upon approval of the final plat by the city commission the original  
7 linen or stable base film tracing of the final plat, any required covenants or deed  
8 restrictions, and the declaration of condominium if the subdivision is a condominium  
9 development, shall be recorded with the clerk of the circuit court by the subdivider with  
10 all recording fees paid by the subdivider within 15 business days after the final plat has  
11 been returned to the subdivider by city staff. Recording the approved final plat shall  
12 constitute a final development order. Upon recording the approved final plat, ~~a copy of~~  
13 ~~any private covenants or deed restrictions required to be recorded,~~ three (3) linen Mylar  
14 copies of the recorded plat and three (3) paper copies of the recorded plat signed and  
15 sealed by the clerk of the circuit court shall be presented to the planning division of the  
16 department of community development within 15 business days of recording.

17     **Sec. 30-187. Design Standards.**

18     (b)     *Lots and blocks.*

19           (1)     Generally. Lots and blocks shall be designed according to acceptable  
20 practice for the type of development and use contemplated so as to be in keeping with the  
21 topography and other site conditions and provide adequate traffic and utility access and  
22 circulation; provide acceptable use of space; and provide privacy, adequate drainage and  
23 protection of property.



1           (2)     *Dimensions.* The lot size, width, depth, shape and orientation of lots shall  
2 be appropriate for the subdivision and for the type of development and use contemplated.  
3 Lot dimensions and street abutment requirements shall not be less than the minimum  
4 standards established in article IV. Lots in areas shown on the future land use map ~~as for~~  
5 ~~Single-Family use~~ or residential ~~Planned Use~~ unit development District for single-  
6 family detached units shall front on a local access street, whenever the lots abut a local  
7 street wherever feasible.

8           a.     For development sites of five acres or less, located in an area shown on the  
9 future land use map as Single-Family or residential Planned Use District, the following  
10 standards shall apply. The lot size and dimensions must be generally consistent with  
11 abutting/adjacent lots. The minimum lot width of new parcels shall be no less than 75%  
12 of the average width of adjacent lots, but shall not be required to be greater than 150 feet  
13 and may not be less than the minimum required in article IV. Each lot must meet this  
14 minimum requirement at the front setback line (as opposed to the minimum front yard  
15 setback) and the rear property line. The minimum lot width requirement shall not apply if  
16 a 35 foot natural or planted buffer is created as a perimeter buffer around the new  
17 development. The perimeter buffer may include stormwater facilities and must be  
18 approved by the City Commission during design plat review.

19           b.     The City Commission may grant a waiver to the standards listed in a.  
20 above for any single lot that is greater than or equal to 1.5 times the required lot size of  
21 the zoning district in which the property is located.

22  
23     **Sec. 30-189. Minor subdivisions and lot splits.**

1 (a) *Minor subdivisions.* Every minor subdivision shall be processed in the following  
2 manner:

3 (1) Prior to filing an application for a minor subdivision the applicant must  
4 schedule a pre-application conference meeting. After the pre-application conference, a~~An~~  
5 application form provided by the department of community development shall be  
6 completed and filed with the department accompanied with the following:

- 7 a. Six paper copies of the proposed minor subdivision;
- 8 b. A statement indicating whether water and/or sanitary sewer service  
9 is available to the property, and a statement indicating that all  
10 utility service shall be installed beneath the surface of the ground in  
11 accordance with section 30-345, a statement indicating whether  
12 stormwater management facilities are available to accommodate  
13 stormwater runoff of the proposed development; and
- 14 c. A survey certified by a professional land surveyor registered in the  
15 state as to meeting minimum technical standards set forth pursuant  
16 to F.S. § 472.027. The survey shall be drawn on a 24-inch by 36-  
17 inch linen or stable base film with a three-inch margin on the left  
18 for binding, and a one-half-inch margin on the other three sides.  
19 Additional information to be shown on the survey shall include but  
20 not be limited to:
  - 21 1. The lot lines, dimensions and acreages for each lot being  
22 created.
  - 23 2. The acreage of the total tract.

- 1 3. A vicinity map showing the location of the survey in
- 2 relationship to major thoroughfares.
- 3 4. A note stating, "THIS IS NOT A RECORD PLAT."
- 4 5. A municipal approval statement, to be signed by the
- 5 director of community development, director of public
- 6 works and general manager for Gainesville Regional
- 7 Utilities or their designee, certifying that the minor
- 8 subdivision conforms to all applicable ordinances and
- 9 regulations of the city.
- 10 6. A statement to be signed by the clerk of the court, stating,
- 11 "Received and filed as an unrecorded map in accordance
- 12 with Section 177.132, Florida Statutes."
- 13 7. The minor subdivision book and page where the survey is
- 14 to be filed.
- 15 8. Proposed residential minor subdivisions must meet the
- 16 level of service standards in the comprehensive plan. Proof
- 17 of meeting these standards shall exist in the form of a
- 18 certificate of concurrency exemption, certificate of
- 19 preliminary concurrency or certificate of conditional
- 20 concurrency reservation.
- 21 (2) The minor subdivision shall also conform to the following standards:
- 22 a. A land description of each lot being created shall accompany or be
- 23 shown, whenever possible, on the survey.

- 1                   b.     If any lot or parcel contains principal or accessory structures, the  
2                                   structures shall be shown either on the minor subdivision or on a  
3                                   survey attached to the minor subdivision. All existing principal  
4                                   and accessory structures must conform to the setback requirement  
5                                   of this code.
- 6                   c.     All lots or parcels shall have frontage on a city-maintained public  
7                                   street, have water and sewer services available, and be in  
8                                   conformity with the requirements as set forth in this chapter.
- 9                   d.     If the proposed minor subdivision abuts a street right-of-way which  
10                                   does not conform to the provisions of subsection 30-187(~~ch~~), the  
11                                   owner(s) may be required to dedicate to the city one-half of the  
12                                   right-of-way width necessary to meet minimum design  
13                                   requirements for street rights-of-way, as specified in subsection 30-  
14                                   187(~~ch~~). If the proposed minor subdivision abuts both sides of a  
15                                   substandard street, one-half of the right-of-way width necessary to  
16                                   meet those minimum design requirements may be required from  
17                                   each side. The dedication of this right-of-way or any easements  
18                                   necessary shall be accomplished by a separate document. The  
19                                   subdivider shall provide the city with land descriptions of all  
20                                   easements or rights-of-way to be dedicated, and the city shall  
21                                   prepare and record the necessary documents as part of the approval  
22                                   process.

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, aAn  
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.

