

Sec. 30-3.37. - Subdivisions.

- A. *Requirements.* To effectuate the purpose of this article, every subdivision of land within the city shall be made in accordance with the requirements specified in this article. Such requirements include a pre-application conference; obtaining design plat approval; obtaining construction plan approval; obtaining final plat approval; constructing required public improvements; and supplying security for the construction and maintenance of such improvements. Proposed residential subdivisions shall 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.
- B. *Pre-application conference.*
1. *Required.* Prior to the preparation of a design plat, the subdivider shall seek the advice of city staff to become familiar with the subdivision requirements, city policies and provisions of the Comprehensive Plan. The subdivider is encouraged to bring plans and data specified in this section 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 that will meet the requirements of this article. This procedure does not require a formal application or fee.
 2. *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 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 and the infeasibility of requiring the preferred practices, designs or improvements when applied to the particular circumstances involved.
 3. *Concept review (Sketch drawing).* The applicant may submit an application for the optional concept subdivision review by city staff, with a sketch that contains the following:
 - 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, regulated surface waters and wetlands, regulated natural and archaeological resources, creeks, uplands, lakes, wetlands, FEMA and community determined flood plains, and heritage trees.

- f. Generalized existing vegetation, including areas of native forest where the land shows no evidence of prior use for agriculture.
- g. Proposed general lot layout and the total number of lots.
- h. Existing buildings on the property.
- i. Land use and zoning designation of the subject property.
- j. Generalized stormwater management plan.

The review schedule for concept subdivision plans shall follow the same submittal and review schedule for development plans. As far as may be practicable on the basis of a sketch, the reviewer will, without prejudice to the city, advise the subdivider 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.

C. *Design plat.*

1. *Generally.* 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, the requirements of this section become applicable and supersede any other regulation on tree removal.
2. *Application.* After a mandatory pre-application conference with staff, an application shall be completed on a form prescribed by the city and submitted together with the applicable fee. 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 this chapter and including all of the specifications set forth in this section. Proposed residential subdivisions shall 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.
3. *Fees.* The fee required with an application for design plat approval shall be as set forth in appendix A. 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.
- 4.

Developments of regional impact. For any subdivision that 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.

5. *Specifications.*

- a. 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:
 - i. Proposed name of the subdivision.
 - ii. Name and registration number of surveyor.
 - iii. 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.
 - iv. Vicinity map showing location with respect to major roads and acreage of the subdivision.
 - v. Boundary line of the tract by bearings and distances.
 - vi. Legal description of the tract to be subdivided.
 - vii. 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.
 - viii. Total number of lots.
 - ix. The front building setback line for each lot.
 - x. An inscription stating "NOT FOR FINAL RECORDING."
 - xi. Sidewalks, on all streets, on both sides, and at least five feet wide.
- b. The design plat shall also contain or be accompanied by:
 - i. 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.

- ii. The exact locations, names, and widths of all existing streets, alleys, and recorded easements within and immediately adjoining the subdivided lands.
- iii. The location and a general description of any utilities facility on the subdivision tract.
- iv. The invert elevation of existing and proposed sewers.
- v. The location and size of existing improvements on the subdivision tract.
- vi. The zoning and land use plan designations of lands within the subdivision tract and of abutting property.
- vii. 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 community determined flood control maps and FEMA.
- viii. 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 located in or within 15 feet of any proposed right-of-way or utility improvement. A generalized landscaping plan that shows the locations of the required shade trees with the appropriate space allocations to meet code requirements for street trees, buffers, retention basins, and stormwater management facilities. The design plat and the final plat shall include a statement that all champion and high quality heritage trees shall be preserved or mitigated in accordance with the requirements of this code.
- ix. Stormwater management plan in accordance with this chapter and the Design Manual.
- x. A soil survey map.
- xi. 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.
- xii. A topographic map of the subdivision tract and a minimum of 100 feet or more of the surrounding area as required to determine the offsite drainage and any impacts caused by or related to the offsite drainage. The map shall be 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 North American Vertical Datum, 1988.

- xiii. A general location map showing the relationship of the subdivision tract to such external facilities as streets, residential area, commercial facilities, and recreation or open space areas, and greenways, within one mile of the tract.
 - xiv. A plan for the elimination and future control of invasive non-native plant species from the site. The non-native removal shall be completed as specified in the management plan prior to the issuance of the first certificate of occupancy and yearly inspections for three years to assure that infested areas have remained at less than ten percent of the initial population.
- c. If the proposed subdivision contains land located within the floodplain as shown on the community determined flood control maps and 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.
 - d. If the proposed subdivision includes regulated surface waters or wetlands, or regulated natural and archaeological resources, the subdivider shall be required to submit the following additional information for those areas designated:
 - i. A design plat showing buffer distances between the areas to be developed and regulated surface waters and wetlands, and regulated natural and archaeological resources.
 - ii. Square footage and percent of total subdivision tract to consist of impervious surface.
 - iii. A description of strategies to protect or restore environmental features on the subdivision tract.
 - iv. Projected on-site and off-site water quality impacts to outstanding Florida waters (OFW) that may result from the proposed subdivision.
 - v. Any required set-aside, conservation management area, or mitigation area.

6. *Officials' examination.*

- a. The design plat shall be reviewed and commented on by the technical review committee and other applicable departments and agencies.
- b. The public works director or designee shall examine the design plat to determine if the application conforms to criteria for general engineering, traffic stormwater management, flood plains and maintenance easement requirements.
- c. The general manager for utilities or designee shall examine and check the design plat for needed utility easements.
- d.

The planning and development services department shall, at the development review board and city commission hearings on the design plat, report the findings and recommendations of the reviewing officials 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.

7. Development review board review.

- a. 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.
- b. 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 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, maintenance of the tree canopy levels identified in the Comprehensive Plan, control of invasive non-native plant species, 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 including landscaping of stormwater management basins; and policies for development in any special improvement and redevelopment districts. Particular attention shall be given to the arrangement, location, and width of streets, the provision of high quality shade trees along the 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.
- c. 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 therefor.

8. City commission review.

- a. Within 60 calendar days after development review board approval, the subdivider shall file with the city at least three copies of the design plat, including any modifications imposed by the development review board. If the subdivider does not file the design plat within the prescribed time 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.

- b. The city commission shall review the recommended design plat and consider findings made by the development review board and 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 Comprehensive Plan; existing zoning requirements, including all amendments thereto; policies and plans established by the city with respect to neighborhoods, lake levels, water supply, sustaining the urban forest, 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 and providing sufficient space for street trees both above and below ground, 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.
- c. 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 shall be redesigned before resubmission for approval.
- d. *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 and the associated design plat shall expire and be of no further effect 12 months from the date of approval unless either a timely final plat is filed for approval or the time is extended with appropriate conditions by the city commission prior to expiration; otherwise, the subdivider shall 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. This provision regarding the effect of approval and expiration of a design plat shall not be subject to a variance or otherwise superseded by any ordinance or regulation of the city.

D. *Construction plans.*

1. *Preparation.* Following 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 shall be prepared by an engineer registered in the state in conformance with this article, the Design Manual, and other applicable local, state, and federal regulations.

Plans for the proposed improvements and a boundary survey shall be required. 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, a landscape plan, an invasive exotic plant control 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 Gainesville Regional Utilities and all champion and heritage trees identified for preservation or removal, with protective barricades drawn to scale. The landscape plan shall show all buffers and stormwater management areas as well as the locations and specifications for street trees.

2. *Review.* The subdivider shall submit multiple sets of plans as necessary to facilitate review by the city in accordance with development review. The construction plans shall be approved if they are consistent with the approved design plat and comply with all standards and specifications. 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 city shall issue either:
 - a. Conditional approval, subject to any necessary modifications that shall be indicated on the plans or attached to them in writing; or
 - b. 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 12 months from the date of approval of the preliminary development order.

E. *Final plat.*

1. *Generally.* 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 roadway facilities that do not change lot

layout may deviate from the design plat with approval from the city manager or designee.

2. *Application.* After approval of the design plat and construction plans, the final plat and other information required in this section shall be submitted in the correct form as prescribed by the city. The following shall be submitted for 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. Applicable public improvement security documents.
 - d. An additional fee as set forth in appendix A to defray the expense of investigating, holding hearings and acting upon the final plat.
 - e. An additional fee as set forth in appendix A to defray the expenses of inspection of roadway and drainage facilities by the city manager or designee.
3. *Specifications.* 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:
 - a. The exact boundary line of the tract.
 - b. A vicinity map showing the location and acreage of the lands subdivided.
 - c. 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 this chapter as of the date of final plat submission.
 - d. The front building setback line for each lot.
 - e. 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 shall conform to the following

requirements:

- i. All final plats shall identify all horizontal and vertical geodetic control monuments as described above located within 500 feet of the proposed plat boundary.
- ii. 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.
- iii. All plats shall have a minimum of two benchmarks located and described with the plat that shall be projected from North American Vertical Datum, 1988, or later.
- iv. The basis of bearings for all plats shall be grid north as established from the county control densification survey and state plane coordinate system or National Geodetic Survey Horizontal Control Network.
- v. The state plane coordinates and bearing basis shall be established by conducting a self-closing traverse between two horizontal geodetic control monuments. Each traverse shall meet or exceed 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.
- vi. A traverse sheet identifying the field angles, permanent reference points, distances and the adjustments shall be submitted on 8½-inch by 11-inch paper with the plat submitted for final development review. Copies of the field notes shall also be submitted. All documents shall be signed and sealed by a surveyor.
- vii. All geodetic monuments, including traverse stations set for the county control densification survey, that fall within the limits of a development shall be shown on the development plan and construction plans. All geodetic monuments that are in danger of being disturbed or destroyed shall 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.

- viii. 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 of the SSGCN.
- ix. 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.

4. *Review.*

- a. *Staff review.* Prior to final plat approval, city staff and the city attorney's office shall review the proposed plat and supporting documents. If the proposed plat and supporting documents 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.
- b. *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 city clerk.

- 5. *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 calendar days from the date the final plat has been returned to the subdivider by city staff. Recording the approved final plat shall constitute a final development order. Within 15 calendar days from the date of recording, three Mylar copies of the recorded plat and three paper copies of the recorded plat signed and sealed by the clerk of the circuit court shall be submitted to the city.

(Ord. No. 170831, § 2, 4-5-18; Ord. No. 211052, § 3, 6-16-22)