

Article VII

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ARTICLE VII. DEVELOPMENT AND SUBDIVISION DESIGN/ UTILITIES**DIVISION 1. SUBDIVISION DESIGN**

Section 30-7.1. Design standards.

- A. Flood hazards. A subdivision plat shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation. All subdivisions, or portions thereof, located within a flood channel or floodplain shall meet the requirements of **article IX**.

[(LD11)]

- B. Lots and blocks.

1. *Generally*. Lots and blocks shall be designed according to acceptable practice for the type of development and use contemplated so as to be in keeping with the topography and other site conditions and provide adequate traffic and utility access and circulation; provide acceptable use of space; and provide privacy, adequate drainage and protection of property.
2. *Lot frontage*. Each lot **in a subdivision** shall front for the entire required minimum lot width on a public street or an approved private street. Where there is no minimum lot width requirement, each lot must abut a public street or approved private street for a width equivalent to the maximum driveway width required in **Section 30-7.18.H** plus any required turning radii area. Notwithstanding the above, the length of street frontage may be modified during subdivision review by the public works and planning and development services departments, based on the need to achieve the most efficient lot layout, access to and from the subdivision, operational needs of service vehicles, vehicular circulation and the health, welfare and safety of the public[(LD12)].
3. *Connectivity*. The subdivision shall create vehicular and pedestrian access to serve the subdivision and improve gridded connectivity by connecting to surrounding existing streets and by including new streets within the subdivision. Street intersections shall occur at least every 1,000 feet. Additionally, subdivisions containing 20 lots or more shall provide a minimum of two access points to the extent feasible. Modifications to this requirement may be granted by the technical review committee where the construction of a street is limited by existing conditions such as, but not limited to:
 - a. Access management standards;
 - b. Regulated environmental features; or
 - c. Public facilities, such as, but not limited to, stormwater facilities, parks, or schools.

Alternatively, where the technical review committee determines that it is not possible to construct the streets that would be required to meet the block perimeter standard, the block perimeter shall be completed with the provision of pedestrian and bicycle paths or multi-use paths. The required streets or paths shall be constructed at the expense of the owner/subdivider according to the appropriate city standards as determined through the subdivision review process, but may be sited and configured in a manner so that the streets provide the most appropriate access to the subdivision and connectivity to the surrounding street network. Where a street or path is planned to provide a future connection to a street or path beyond the extent of the subdivision, the owner/subdivider shall provide for the connection of the street by stubbing out the road improvements as close as practicable to the boundary of the subdivision.

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- 4. *Dimensions.* The size, width, depth, shape and orientation of lots shall be appropriate for the subdivision and for the type of development and use contemplated. Lot dimensions and street abutment requirements shall not be less than the minimum standards established in **article V**. Lots in areas shown on the future land use map as single-family or residential planned use district for single-family detached units shall front on a local street, whenever the lots abut a local street.
 - a. For development sites of five acres or less, located in an area shown on the future land use map as single-family or residential planned use district, the following standards shall apply:
 - i. The lot size and dimensions must be generally consistent with abutting/adjacent lots.
 - ii. The minimum lot width of new parcels shall be no less than 75 percent of the average width of adjacent lots, but shall not be required to be greater than 150 feet and may not be less than the minimum required in **article V**. Each lot must meet this minimum requirement at the front setback line (as opposed to the minimum front yard setback) and the rear property line.
 - iii. The minimum lot width requirement shall not apply if a 35-foot natural or planted buffer is created as a perimeter buffer around the new development. The perimeter buffer may include stormwater facilities and must be approved by the city commission during design plat review.
 - b. The city commission may grant a waiver to the standards listed in subsection a above for any single lot that is greater than or equal to 1.5 times the required lot size of the zoning district in which the property is located.
- 5. *Side lot lines.* Side lot lines shall be, as nearly as practical, at right angles to straight street lines and radial to curved street lines. No lot shall be divided by a municipal boundary.
- 6. *Double-frontage lots.* Double-frontage and reverse-frontage lots shall be discouraged except where essential to provide separation of residential development from traffic arterials and collectors or to overcome specific disadvantages of topography and orientation. A landscape buffer screen in accordance with the requirements of Article IX, across which there shall be no right of vehicular access, shall be provided on lots abutting the traffic arterial.

C. Streets.

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

Street Type	Description of Intended Use (See Article II also for definition)	Range of Average Daily Trips at Full Development
Minor local street	Local streets are designed to serve the local community.	Less than 800

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	Residences should be designed to front local streets. Local streets should be designed to encourage slow speeds and discourage non-local traffic.	
Major local street	See above.	801 to 1,200
Minor local collector	Collector streets are designed to carry and distribute traffic between local streets and arterial roadways (see design manual).	1,201 to 3,200
Major local collector	See above.	3,201 to 7,000
Minor arterial	Arterial streets are routes that generally serve and interconnect major activity centers in the urban area and/or provide connections between cities.	7,001 to 12,000
Principal arterial	See above.	Over 12,000

[LD13]

D. Traffic count data.

1. The number of annual average trips per day may be obtained from the city traffic engineer.
2. Trip generation rates shall be calculated by a professional engineer using trip generation rates established by the Institute of Transportation Engineers according to accepted engineering practices approved by the city traffic engineer.

E. *Subdivisions on arterial streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the provision by the subdivider of marginal access streets, reverse-frontage lots with planting screen contained in a nonaccess reservation along the rear property lines, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic from local traffic may be required. No lot in any area shown on the land use plan for single-family use or single-family residential PUD at less than eight units per acre shall front on an arterial street.

F. *Design specifications.* Intersection design, intersection sight distance, minimum street design, and cul-de-sac minimum lengths and turnaround diameters shall be designed in accordance with specifications delineated in the requirements of **Division 4** of this article and the **Engineering Design and Construction Manual**.

G. *Street access to abutting property.* When designated on the official roadway map or determined by the city commission to be needed for proper traffic circulation, access to abutting property shall be provided through the use of a street stub. If such a street stub terminates more than 100 feet from an intersection, it shall be provided with a temporary turnaround which would allow vehicular traffic to turn around safely without having to leave the pavement. Specifications for optional temporary turnarounds are contained in the **Engineering Design and Construction Manual**. The developer of the abutting area shall pay the cost of restoring the street to its permanent cross section and extending the street at such time as the abutting area is developed.

H. *Dedication of right-of-way.*

1. Where a proposed subdivision abuts or includes a future transportation corridor alignment or existing transportation corridor that is scheduled for construction shown in the City of Gainesville Comprehensive Plan or the Florida Department of Transportation 5-Year Transportation Plan or the Alachua County 5-Year Work Program, rights-of-way as needed according to the proposed road type shall be dedicated on each side of the proposed alignment for use as a transportation and utility corridor.
2. Where a proposed subdivision or lot split abuts a public right-of-way which does not conform to the provisions of this Code, as further specified in the public works design manual, the owner(s) may be required

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to dedicate to the city, at no cost to the city, one-half of the right-of-way width necessary to meet minimum design requirements for street rights-of-way, as specified **in this Article**. If the proposed subdivision abuts both sides of a substandard street, one-half of the right-of-way width necessary to meet those minimum design requirements may be required from each side. The dedication of this right-of-way or any easements necessary shall be accomplished by a separate document. The subdivider shall provide the city with legal descriptions of all easements or rights-of-way to be dedicated, and the city shall prepare and record the necessary documents as part of the approval process.

- I. *Alleys*. When provided in any district, alleys shall have a minimum right-of-way width of 20 feet.
- J. *Sidewalks and bikeways*. Where provided, sidewalks and bikeways shall be designed as an integral part of the total on-site and off-site circulation system, including integration or linkage with designated greenways, and shall be located within the street right-of-way or within rear lot easements or common open areas.
- K. *Greenway dedication*. Where a proposed subdivision contains a designated greenway, the appropriate review board shall determine if there is a rough proportionality between the projected impact of the development on traffic and recreational needs and the nature and amount of property in the development encompassing the greenway. If the board finds the necessary proportionality, a right-of-way or public trail easement shall be dedicated to the city for use as a greenway corridor. The dedication shall correspond with the entire length of the [designated] greenway corridor as it passes through the subject property, and be of sufficient width to comply with design standards as specified in **subsection 30-308(a)(2)a.3**, pertaining to greenway districts. Such a dedicated corridor may be established for joint use as both a greenway and for required utility or stormwater management facility dedications when such dedications are compatible with the greenway use. In making its determination, the board shall consider the following:
 1. Assessed value of the property to be dedicated and proportion to value of entire property;
 2. Square footage of property to be dedicated and proportion to area of entire property;
 3. Other legal and reasonable uses of property to be dedicated;
 4. Impact to otherwise legal and reasonable plans being considered for development of entire property that would be caused by dedication of the property;
 5. Estimated increase in transportation demand caused by the development, and estimated amount of automobile trips that would be avoided by having dedication in place;
 6. Estimated increase in recreation demands caused by the development.
- L. *Utilities easements*. When they are necessary to serve the subdivision, utilities easements shall be provided, with a minimum width of 20 feet, located along lot lines. The location of the utility easements shall not interfere with the required space devoted to street trees and tree lawns. Additional width may be required for sewer or stormwater management easements. Side lot line easements may be decreased to ten feet in width when serving a single electric, cable TV, gas or telephone utility. Rear lot line easements shall be discouraged, unless they are provided along an alley.
- M. *Stormwater management easements*. Easements, rights-of-way and stormwater management facilities meeting all requirements of **Section 30-4.41** shall be required, upon recommendation of the director of public works.
- N. *Subdivision entrances*. Landscaped islands or medians may be permitted within the right-of-way at all subdivision entrances. These areas shall be landscaped with materials from the Gainesville Tree List, [and] street landscape materials which shall be adopted and amended by resolution of the city commission and which list shall be maintained by the planning and development services department. In addition, the landscaped area shall be provided with an irrigation system or a readily available water supply within 100 feet. Maintenance of subdivision entrance identification and landscaping shall be in accordance with **Section 30-4.41.G**.

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- O. *Underground utilities.* Provisions shall be made for utility lines of all kinds, including but not limited to those of franchised utilities, electric power and light, telephone, cable services, water, sewer and gas, to be constructed and installed beneath the surface of the ground within residential and non-residential subdivisions, unless the city commission determines that soil, topographical or other compelling conditions make such construction unreasonable or impractical. The subsurface mounting of incidental appurtenances, including but not limited to transformer boxes or pedestal-mounted boxes for the provision of utilities, electric meters, back flow preventers and fire hydrants shall not be required.
- P. *Stormwater facilities.*
1. Easements for maintenance access shall be granted to the city along drainage basins and along all storm sewers. In some circumstances, additional easements may be required by the city manager or designee for maintenance access only.
 2. The design of stormwater facilities shall consider the ease of maintenance over the life of the facility.
 3. Any appurtenances placed in the right-of-way or within any publicly dedicated drainage basin, such as fountains, landscaping, lighting features, and signs, shall be the sole responsibility of the homeowners association and shall only be installed with express written approval of the city manager or designee. A maintenance agreement shall be required prior to acceptance of the facility by the city.
 4. Trees selected from the Gainesville tree list that are identified as appropriate for stormwater basins shall be planted to meet the requirements identified in [Section 30-9.7](#).
- Q. *Fire hydrants.* Fire hydrants shall be required in all subdivisions as per plans approved and accepted by Gainesville Regional Utilities and the city fire department.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 950600, § 1, 9-25-95; Ord. No. 960060, § 2, 6-8-98; Ord. No. 960061, § 9, 6-8-98; Ord. No. 991381, § 3, 9-25-00; Ord. No. 050256, § 1, 4-23-07)

Section 30-7.2. General lot and building requirements.

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

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

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

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

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

In zoning districts in which there is no minimum lot width requirement, the lot or parcel of land must abut a public or approved private street for the maximum driveway width dimension requirement [as provided in **section 30-336(8)**] plus any required turning radii area.

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

2. Special exception for single-family dwelling. The development review board may authorize by special exception the issuance of a building permit for a single-family dwelling on a lot that does not meet the minimum property frontage requirements of **subsection (1)a** of this section, provided all of the following conditions are met:
 - a. The owner of the subject lot does not own adjoining land which, when added to the subject lot or dedicated as a public street, would satisfy the minimum requirements **of subsection (1)a** of this section;
 - b. A single-family dwelling is a permitted use in the district in which the lot is located;
 - c. The dimensional requirements of the district are met;
 - d. Adequate physical access for all motor vehicles (including emergency vehicles) is provided either by an ingress/egress easement or private street; and
 - e. The board finds that such a building will not create any condition detrimental to the safety, convenience and quiet possession of surrounding properties and uses.
 - f. In granting the special exception, the board may request the property owner to dedicate property for future street right-of-way purposes as may be recommended by the traffic engineering department.

B. Minimum setbacks from centerlines of all streets.

1. Every required minimum front yard setback line shall be established by a line parallel to the centerline of the street right-of-way at the distance listed in this subsection, measured from the street right-of-way line or the distance from the street centerline listed in **subsection (2)b** of this section. For the purpose of determining street classifications, the official roadway map shall be used.
2. If the actual street right-of-way line is closer to the street centerline than the following distances, the setback shall be measured from a line parallel to the street centerline located the following distances from the centerline:
 - a. Highways and arterials: 50 feet.

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- b. Thoroughfares and collectors: 40 feet.
 - c. Minor collectors: 35 feet.
 - d. All other streets: 25 feet.
- C. Overhanging and protruding projections.
1. Every part of a required yard or court shall open from its lowest point to the sky, unobstructed except for the customary projection of sills, belt courses, cornices, ornamental features and eaves; provided, however, that none of the above projections shall extend into a required yard more than 36 inches; and further provided that none of the above projections shall extend over any public right-of-way, except in the MU-1, MU-2 and BUS zoning districts. Enclosed fire escapes, outside stairways, balconies, chimneys, flues or other projections shall not extend into any required yard. Open fire escapes may project as much as three feet into a required yard.
 2. Within the MU-1, MU-2 and BUS districts, structural or ornamental features may project not more than six inches over the public right-of-way line, provided that no projection shall extend beyond a vertical projection of the property line between the sidewalk or ground level and nine feet above such sidewalk or ground. Additionally, bay windows, porches, balconies and/or fire escapes (the "projection") may project not more than three feet over the public right-of-way line provided all of the following conditions are met:
 - a. The projection maintains a clear height above the sidewalk or ground level of the right-of-way of at least nine feet;
 - b. The projection does not encroach upon the vision triangle as provided for in the Engineering Design and Construction Manual;
 - c. The projection is at least four feet from an imaginary line drawn perpendicular to the face of the nearest curb;
 - d. The person requesting the projection has received the written approval of the city and Gainesville regional utilities as regards the development plan; and
 - e. The person requesting the projection has received the written approval of the city traffic engineer and public works department, the traffic engineer of the county or designee, the state department of transportation, and any other governmental agency having jurisdiction over the projection, as applicable.
 3. In any non-residential zoning district, marquees, canopies, or awnings may extend out 2/3 of the way between the face of a building and the curb, provided all of the following conditions are met:
 - a. There must be a sidewalk in front of a portion of the building where the marquee, canopy or awning is to be placed.
 - b. The outside edge of the marquee, canopy or awning must be at least two feet from an imaginary line drawn perpendicular to the curb.
 - c. The marquee, canopy or awning must maintain a clear height above the sidewalk of at least nine feet. No support for the marquee, canopy or awning may extend below this clear height.
 - d. The person requesting the marquee, canopy or awning must receive written approval from both the city as regards and Gainesville regional utilities as regards the site plan.
 - e. The person requesting the marquee, canopy or awning must receive written approval from the city traffic engineer and public works department, or, if the right-of-way is not city-owned from the government entity with jurisdiction over the right-of-way.

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- f. The marquee, canopy or awning must not encroach into the vision triangle as provided by the **Engineering Design and Construction Manual**.
 - g. The property owner shall be responsible for removing the marquee, canopy or awning at the property owner's expense upon notice that a road or right-of-way project requires it to be removed. If the property owner does not remove it, the governmental agency with jurisdiction over the right-of-way shall remove it and bill the property owner for the cost of removal.
 - h. If the right-of-way belongs to the city, the property owner shall enter into a license agreement with the city indemnifying and holding harmless the city, its officers, agents, and employees, from any property damage, including loss, and any personal injury, including death, caused in any way by the projection of the marquee, canopy or awning over the right-of-way, and containing such other provisions as deemed necessary by the city attorney to protect the interests of the city. The license agreement shall be for a period of one year, and shall be renewable from year-to-year provided the marquee, canopy or awning is maintained in good condition and meets the standards set forth in this section.
- D. Exceptions to height limits. Place of religious assembly spires, chimneys, water towers, transmitter towers, smoke stacks, flagpoles, monuments, television antennas and similar structures and their necessary mechanical appurtenances may, where permitted, be erected above the height limits established in this chapter; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the airport zoning ordinance in **section 3-166** et seq.

Section 30-7.3. Cluster subdivisions.

- A. Purpose and intent. The purpose of this section is to establish a process by which environmentally sensitive land and infill sites may be developed for residential purposes without strict adherence to the dimensional requirements of the zoning code of the city. The intent is to encourage better site planning than would normally occur by conventional subdivision procedures. Specifically, the objectives are to better preserve valuable open spaces, environmentally sensitive areas, existing tree cover; to provide for infill development where appropriate; to provide for better utilization of land; to provide for zero lot line development; to promote efficiency through design; and to provide for design flexibility to meet changing market conditions. Such development will be accomplished without an overall increase in density otherwise permitted in the zoning district in which the development is located as determined by the minimum lot size.
- B. Permitted districts; minimum size. A cluster subdivision may be permitted in any zoning district in which single-family dwellings are allowed as a permitted use and where the parcel to be subdivided has an area of five acres or more.
- C. Approval procedure; design standards; name.
- 1. Cluster developments shall be approved in accordance with the procedures established for plats . Further, cluster subdivisions involving attached housing in zoning districts that allow such housing types, shall also secure development plan approval in accordance with **article IV**.
 - 2. Design standards for improvements shall be in accordance with the provisions and regulations of this chapter.
 - 3. The name of a subdivision approved pursuant to this article shall be followed by the words "cluster subdivision" which shall become and be made a part of its official name.
 - 4. Application for cluster subdivision will be classified as either environmental or infill based on the following criteria:

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- a. Environmental—Development site must contain regulated surface waters and wetlands, or regulated natural and archaeological resources, or it must be within a planning parcel that includes regulated natural and archaeological resources.
 - b. Infill—Cluster subdivision that provide for infill development where appropriate, provide for better utilization of land, provide for zero lot line development, and/or promote efficiency through design.
- D. Dwelling types permitted. Except in the RSF-1, RSF-2, RSF-3 and RSF-4 zoning districts, all types of attached and detached single-family residential dwellings may be permitted in a cluster subdivision. In the RSF-1, RSF-2, RSF-3 and RSF-4 districts only single-family detached dwellings will be permitted in a cluster subdivision. Within cluster subdivisions, a variety of lot sizes and architectural typologies shall be encouraged.
- E. Modification of street, yard and lot requirements. Modifications and variations to the lot area, lot width and depth, minimum yard setback, street width and layout requirements of the applicable zone may be permitted if shown on the design plat and such plat is approved by the city commission. No cluster subdivision of 50 acres or less in an RSF district shall have lot sizes reduced by more than twenty-five (25) percent of that required by the district regulations. Each cluster subdivision may use zero lot line, regular lots or a combination of the two. However, each lot in a cluster subdivision which directly abuts developed property not in a cluster subdivision shall not:
1. Have an abutting side or rear yard which is less than that required for the abutting property; and
 2. Have a lot width, which is less than 75 percent of the minimum lot width required in the zoning district for the abutting property.

The provisions of **subsections 1 and 2 above** may be waived if the subdivision provides a 35-foot buffer around the subdivision to which no variance will be permitted.

- F. Number of dwelling units permitted. The total number of dwellings permitted in a cluster subdivision shall not exceed the number of dwelling units which would have been otherwise permitted by the density standards in the zoning district in which it is located. In the RSF-1, RSF-2, RSF-3, RSF-4, RMF-5 and RC district categories, the permitted number of dwelling units may be calculated by dividing the total land area of the cluster subdivision by the minimum lot size required for the applicable zoning district. The number of dwelling units shall not exceed the density allowed by the zoning district.
- G. Cluster open space requirement.
1. Each cluster subdivision that reduces lot sizes below the minimum area required by the zoning district in which it is located shall provide cluster open space to be preserved and maintained for its scenic value, for recreational or conservation purposes and other related uses. This space shall be clearly indicated on the plat by the use of the words "cluster open space." The minimum amount of land to be designated as cluster open space shall be equivalent to 75 percent of the total amount of area by which each lot was reduced below the minimum lot size required in the zoning district plus any required wetland, creeks and associated buffer acreage in which the subdivision is located. Cluster open space is not required unless lot sizes are reduced below the minimum area required in a zoning district.
 2. Land area devoted to public or private vehicular streets and sidewalks, rights-of-way and drainage structures shall not be included towards meeting cluster open space requirements except when such land is being jointly used for a greenway corridor as specified by **subsection 30-7.1.K**. For the purposes of this section "drainage structures" shall be defined as culverts, storm drains and stormwater retention or detention ponds. Fifty percent of drainage facilities (unfenced) that utilize existing topography, have side slopes that are stabilized by plantings, provide a recreational or aesthetic amenity, provide environmental quality and ecological value, and utilize native plants to create an aquatic or a temporary aquatic type of ecosystem to the development, may be included towards meeting cluster open space requirements. Unless otherwise restricted, cluster open space may contain accessory structures and improvements necessary for the

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educational, cultural, recreational or social enjoyment of the residents or citizens plus any necessary utility services. The appropriateness of accessory structures will be reviewed and considered in terms of their enhancement of the cluster open space, the purposes as provided in subsection A of this section, and the criteria as provided in subsection I below. Accessory structures may be approved during the design plat review process, or during the development plan review process subject to the provisions of this section and the provisions of article IV. Accessory structures are prohibited within wetlands, creeks, lakes and associated buffers.

3. Environmentally significant features such as but not limited to, creeks, creek setback buffers, wetland, wetland setback buffers, flood channels, floodplain areas, major tree groupings and individual trees of significant size must be designated as cluster open space. Notwithstanding any contrary language contained in section 30-9.38 or other city regulations, all wetlands mitigation for a cluster subdivision must be done on site.
 4. The cluster subdivision shall strive to protect healthy heritage trees. The restrictive covenants for the cluster subdivision shall require that homes and other improvements are designed to protect the trees.
- H. Ownership of cluster open space.
1. Public ownership. Cluster open space may be conveyed to the city unless the city commission finds that the size, location, nature and type of development, or fiscal impact (i.e., the cost and maintenance of development or open space) would make public use undesirable or unnecessary. Such conveyance shall be by statutory warranty deed free and clear of all liens and encumbrances, and shall take place on or before the recordation of the subdivision plat. In some instances, the city commission may authorize the conveyance of the cluster open space by a conservation easement as provided in F.S. § 704.06, when the nature and character of the cluster open space is suitable for such easement. Where the cluster subdivision encompasses lands designated for greenways or other forms of public ownership or access under the recreation; conservation, open space and groundwater recharge; and stormwater management elements of the comprehensive plan, the city may require dedication of such areas to the city as specified by subsection 30-7.1.K.
 2. Private ownership. Where open space is not dedicated to the city or public use, it shall be protected by legal arrangements satisfactory to the city attorney sufficient to assure its maintenance and preservation for the purpose(s) intended. Covenants or other legal agreements shall specify, at a minimum, the ownership of the cluster open space, method of maintenance, maintenance of taxes and insurance, compulsory membership and assessment provisions; guarantees that any homeowners' association formed to own and maintain cluster open space will not be dissolved without the consent of the city; and any other provisions deemed necessary by the city attorney to meet the requirements of this section.
- I. Criteria for review of cluster subdivisions. A cluster subdivision shall provide for better utilization of land and for a total environment, which is improved over that which could be achieved under standard regulations. The applicant must present evidence that the proposed cluster subdivision utilizes the land better than a standard subdivision. If the city commission finds that a subdivision will be improved by the reasonable modification of the location, design or configuration of open space, building lots, streets and parking areas, the subdivision will be modified or denied. The following criteria shall guide the city in review of the proposed subdivision and in making any modifications thereof:
1. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural site features and topography. A minimum of 50 percent of all heritage trees must be protected.
 2. Individual lots, buildings and other structures shall be arranged and situated to relate to surrounding properties and to improve the view from, and the view of, buildings, lots and structures.

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3. Individual lots, buildings, streets and parking areas, and any accessory structures and improvements located in the cluster open space, shall be situated to avoid the adverse effects of shadows, noise and traffic on the residents of the site and to minimize the area devoted to motor vehicles.
4. Cluster open space shall include any irreplaceable natural features located on the tract such as, but not limited to, stream beds and adjacent banks, wetlands, flood channels, floodplain areas, major tree groupings and individual trees of significant size.
5. The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the open space. Further, such space intended for recreation or public use shall be easily accessible to trail users including the elderly and handicapped, be integrated to form unbroken trail linkages between uses within the subdivision, and take advantage of opportunities to establish off-site linkages to nearby land uses, bikeways, sidewalks and greenways.
6. To the extent practical, lands designated for greenways or other forms of public ownership or access in the conservation, open space or recreation element shall be included as cluster open space and dedicated as specified by subsection 30-7.1.K.
7. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between the development and the land. Garage doors if forward facing must be set back at least 20 feet from the back of sidewalk and shall not be forward of the front facade of the building. Sidewalks must be included on both sides of the street internal to the cluster subdivision.
8. To the extent practical, cluster open space shall contain regulated surface waters and wetlands, and set-asides of regulated natural and archaeological resources.
9. When lots abut wetlands or buffer areas, the property owner shall provide a ten-foot building construction setback from those areas for a construction work area, so that wetlands and buffer areas are not disturbed during any construction process.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 050255, § 1, 6-25-07)

Section 30-7.4. Reserved.

DIVISION 2. - STORMWATER MANAGEMENT

Section 30-7.5. Prohibitions.

- A. No person shall change, or allow to be changed, the contour, topography, use or vegetation cover of land unless the stormwater runoff and sedimentation generated thereby are controlled in accordance with this article, except as follows:
 1. Property in actual agricultural use, excluding silviculture.
 2. Accessory home gardening and customary routine landscape maintenance.
 3. Removal of individual trees in accordance with the landscape and tree management sections of this article.
- B. No person shall discharge or alter the discharge of stormwater runoff or sedimentation from development activity into creeks, watercourses or water bodies without the consent of the applicable governmental authority.

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Section 30-7.6. Design and maintenance standards for stormwater facilities.

- A. *Design manual.* Stormwater management facilities shall be designed and constructed in accordance with this article and the **Engineering Design and Construction Manual**.
- B. Design standards.
1. General standards.
 - a. All drainage facilities shall provide a positive outfall to existing watercourses, water bodies, wetlands or storm sewer systems unless it can be proven that it is a closed system.
 - b. The property owner is fully responsible for compliance with all rules, regulations and requirements of the county, the applicable water management district, the state department of environmental protection, the U.S. Army Corps of Engineers, and the United States Environmental Protection Agency.
 - c. All basins designed to be dry shall drain completely within 72 hours of the storm event. Designs providing for longer drainage periods require approval by the city manager or designee.
 - d. All development must provide on-site stormwater quality treatment for the first one inch of stormwater runoff, except as provided in **subsection e.** of this section. Infill residential development within improved residential areas or subdivisions existing prior to November 18, 1991, must ensure that its post-development runoff will not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality.
 - e. All development must have on-site stormwater quantity control designed for the 100-year critical duration storm, except as provided in **subsections (b)(2)d. and e.** of this section. A detention system shall be provided which will permit a controlled outlet to receiving watercourses. The system shall be designed so that the peak flow of stormwater off of the site, assuming full development, shall not exceed the natural flow from the lands prior to the subdivision and/or any development, based on the 100-year critical duration storm.
 - f. The type, intensity and structural design of any development proposed for a site shall be appropriate to the existing natural topographic characteristics of the site, while recognizing that minimal grade changes are essential to site development. Avoid disturbing steep slopes. Use terracing and diversions when disturbance of slopes is unavoidable. Slopes created by fill for other than landscape or buffering purposes shall be not steeper than three to one and must be stabilized by vegetation or other approved methods. Excessive erosion of any cut or fill slope shall require remediation by the property owner.
 - g. Drainage facilities designed within a closed system shall be evaluated on a site-specific basis with the minimum design criteria being the 100-year critical duration storm event.
 - h. Low impact development concepts. The utilization of low impact development concepts is encouraged to allow for green solutions in the management of on-site stormwater run-off.
 2. *Erosion and sedimentation control.* The city may require the developer to limit clearing and grubbing outside the proposed developed area to the site, control erosion and sedimentation during and after construction, stabilize cleared areas, limit stockpiles, protect stormwater inlets during construction, control construction access routes, remove temporary control systems after construction, and limit the placement of gutters and drains. The developer shall comply with the requirements of **article VIII** of this chapter and the **Engineering Design and Construction Manual**. Wherever construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment (mud), concrete and other construction materials onto the paved surface (through runoff or vehicle tracking). Materials reaching the paved surface shall be removed from the paved surface at the end of each day. Removal shall be by shoveling or sweeping, and the materials shall be transported to a sediment-controlled disposal area.

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3. *Hogtown Creek Basin; additional standards.*
 - a. Within the Hogtown Creek Basin, systems must be designed to retain any increase in volume of runoff over the predevelopment volume for a 72-hour period.
 - b. The state department of transportation, Standards for Road and Bridge Construction, latest edition, and the state department of transportation, Roadway and Traffic Design Standards for Design, Construction, Maintenance and Utility Operations for Streets and Highways on State Maintained Systems, latest edition, shall be applied where standards are not specifically addressed in this chapter or in the **Engineering Design and Construction Manual**.
4. *Requirements for master stormwater basins.* The requirements for stormwater quantity and quality as listed above may be satisfied by a master stormwater plan serving several properties. An easement must be provided between participating landowners. The easement shall be recorded in the public records of the county and submitted to the planning and development services department and to the public works department prior to the issuance of any development permit. Any development proposed for consideration utilizing an existing or planned master stormwater basin shall provide the calculations and documentation necessary to establish the right to use the facility and that the contribution of stormwater runoff of the proposed development will be within the design parameters of the master basin. A maintenance agreement among all the property owners that conforms to the provisions of this section shall be executed subject to the approval of the city attorney as to form and legality and recorded in the public records of the county.
5. *Off-site stormwater management facilities.* A development may use an off-site stormwater management facility to meet the applicable stormwater quality and/or quantity standards required by the public works design manual.
6. Design standards for redevelopment of vehicular use area or building. For the purposes of this section, redevelopment is any demolition and/or reconstruction of the vehicular use area (excluding resurfacing and restriping) or building. Any proposal for a site on which the proposed redevelopment of building(s) or vehicular use area involves the demolition and reconstruction of more than 80 percent of the area devoted to existing building and vehicular use area shall be considered new development, and shall be required to meet the standards for new development. This determination shall be made by the city manager or designee.
7. Redevelopment shall conform to the following standards with regard to required facilities:
 - a. Any redevelopment of existing impervious surfaces of a site, of less than 4,000 square feet, shall only require the continued maintenance of existing facilities, including natural areas that provide storage. No additional stormwater management shall be required, except that all development must be in compliance with all state and water management district requirements. All redevelopment of a particular lot or site governed by a final development order shall be cumulative from June 10, 1992, and shall not exceed 4,000 square feet unless the provisions of **subsection (b)(2)e.2** of this section are met.
 - b. Any redevelopment of existing impervious surface of 4,000 square feet or more shall be designed to accommodate stormwater quality treatment for the first one-half inch of runoff from the proposed improvements in the disturbed area. The city manager or designee may allow the design engineer to retain the first one-half inch of runoff from an area of equal size as the disturbed area provided that it can be proven that there would be greater water quality benefits to the receiving surface water of equal size. Stormwater management facilities, including natural areas that provide storage, shall continue to be provided. All development must be in compliance with all state and water management district requirements.
8. Design standards for the subdivision of property.

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- a. *Generally.* A complete stormwater system in conformance with the flood control provisions of this article shall be provided for all areas of the subdivision for managing stormwater runoff and providing water quality treatment within or across subdivision lands. Soil borings shall be taken to establish soil type and percolation rate. The **Engineering Design and Construction Manual shall** provide guidelines for determining the appropriate number and location of soil borings. Full development shall be assumed for selection of proper runoff coefficients. The system shall be designed in accordance with the **Engineering Design and Construction Manual** of the public works department, to accomplish the following results:
 - i. *Closed conduits.* A system of closed conduits (except where open ditches are specifically permitted by the city commission) shall be provided to collect and channel stormwater in such a fashion as to permit the unimpeded use of public roads during a rainstorm of the maximum intensity predicted for the city area at ten-year intervals.
 - ii. *Flood routing.* A route for stormwater runoff shall also be provided which will function, when the system designed to handle the ten-year, 24-hour storm has reached its capacity, so as to prevent flooding (water over the curb level) and ensure access for emergency vehicles during a ten-year, 24-hour storm event.
 - iii. *Detention/retention system.* A detention/retention system shall be provided which will permit a controlled outlet to receiving watercourses. The system shall be designed so that the peak flow of stormwater from the subdivided lands, assuming full development, shall not exceed the natural flow from the lands prior to the subdivision and any associated development based on the 100-year critical duration storm.
- b. *Roadside swales.* Roadside swales may be provided in lieu of curb and gutter as long as all the specific requirements of this article, **article VII**, and the **Engineering Design and Construction Manual** can be met.
- c. *Open drainageways.* Open drainageways (ditches) will not be permitted in or within 100 feet of any land designated a residential district as defined in **section 30-41** and any land in actual use or zoned for use as a school, unless it can be established to the satisfaction of the city commission that the open drainageway will appear and function as a natural watercourse and will not require significant maintenance. Any permitted open drainageway shall be designed so as to present no unreasonable hazard to life, the health of the public and nearby property residents and so as to be protected against scour and erosion.
- C. *Acceptance of facilities.* Acceptance of facilities for dedication to the public shall be in accordance with the conditions and procedures **in article VII**, pertaining to subdivision review.
- D. *Intergovernmental coordination.* Copies of all water management district, state department of transportation, state department of environmental protection, and county permits and permits of any other agency with jurisdiction shall be required prior to issuance of any development permit.

Section 30-7.7. Requirements for plan submittal.

See **article VII**, pertaining to development review process, of this chapter.

Section 30-7.8. Construction design requirements.

- A. The **Engineering Design and Construction Manual** shall contain all construction design requirements.
- B. All stormwater basins shall be landscaped in such a manner as to promote safety and to integrate the basin with the overall design of the site.
- C. Insofar as possible, the contour of retention and detention basins should promote aesthetically pleasing site design and increased wildlife habitat.

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- D. The **Engineering Design and Construction Manual** shall include guidelines for the design and operation of facilities that discourage the breeding of mosquitoes.
- E. The design of retention and detention basins shall promote joint uses for habitat, open space, passive recreation, and the establishment and integration of trails.
- F. Stormwater management facilities shall be designed to minimize the need for maintenance in accordance with the public works design manual.

Section 30-7.9. Inspections.

- A. The engineer of record shall file as-built plans with the public works department upon completion of any improvements for which changes have been approved during the construction process.
- B. The city shall periodically inspect stormwater control facilities and shall inspect upon complaint to determine that such facilities are operating and being maintained as designed.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 5, 10-4-93; Ord. No. 960060, §§ 11—18, 6-8-98)

Cross reference— Stormwater management utility program, § 27-236 et seq.

[OLD DIVISION 3. - ACCESS MANAGEMENT - MOVED TO DIVISION 4, TRANSPORTATION]

Section 30-7.10. Reserved.**DIVISION 3. - WATER/WASTEWATER CONNECTION****Section 30-7.11. - Centralized water and wastewater facilities.**

All property within the city shall be subject to the following requirements except as provided by **section 30-272**. These requirements do not lessen or exempt compliance with any other section of the Code of Ordinances where the regulations may be more stringent.

- A. *Provision of centralized water systems.* Developments which require potable water shall connect to the city's centralized potable water system when equivalent residential densities are greater than two units per acre. Equivalent residential density shall be calculated using peak daily demand as estimated for level of service purposes as indicated in **subsections 30-35(3)a.1. and 2.**
- B. *Provision of centralized wastewater systems.* Developments which require wastewater treatment shall connect to the city's centralized wastewater treatment system when equivalent residential densities are greater than two units per acre. Equivalent residential density shall be calculated using peak daily demand as estimated for level of service purposes as indicated in **subsections 30-35(3)b.1. and 2.**
- C. *Septic tanks or on-site disposal systems for nonresidential development.* Any nonresidential development proposing the use of a septic tank or on-site disposal system must demonstrate that toxic, hazardous or industrial waste will not be disposed of in the septic tank or on-site disposal system.
- D. *Exemptions.* The following exemptions to the requirements for mandatory hookup to the centralized water and wastewater systems, as provided in **subsection 30-271(1) and/or (2)**, shall apply unless more stringent code requirements apply:
 - 1. Development on lots in platted subdivisions and other legal lots of record which existed as of June 10, 1992, shall be considered exempt from the requirements of **subsection 30-271(1) and/or (2)** unless there are existing distribution and/or collection facilities in the right-of-way or easements abutting the property.
 - 2. Developments which provide temporary package wastewater plants shall be exempt from the requirements of **subsection 30-271(2)**, but only to the extent provided for in **subsection 30-272**

(Ord. No. 3834, § 3, 2-15-93)

Cross reference— Water and sewerage, § 27-96 et seq.

Section 30-7.12. - Package wastewater plants.

If there are no existing wastewater collection facilities, a development may install a new, temporary package wastewater plant for the treatment of wastewater under the following provisions. The proposed plant must meet all of the following criteria:

- A. All relevant standards for package wastewater plants established by the state and the United States government must be met.
- B. The development shall connect to the central wastewater treatment facilities within five years after central wastewater facilities becomes available to the development.
- C. The developer of such temporary package treatment plant shall enter into a legally binding agreement that dedicates and assigns responsibility for the proper maintenance and operation of the plant to an appropriate agency of local government.
- D. The agreement specified in **subsection (3)** above shall provide adequate compensation by the developer to the local government for the proper operation and maintenance of the plant.
- E. The package plant is approved by the appropriate government agency assigned plant operation and maintenance as meeting standards for design, operation and maintenance.

Section 30-7.13. - Industrial pretreatment plants.

The city shall allow industrial pretreatment plants for the processing of industrial wastewater. Such industrial pretreatment plants shall be in conformance with the requirements of **section 27-182**.

Section 30-7.14. - Reserved.

[LD14]

DIVISION 4. TRANSPORTATION

Section 30-7.15. Streets

- A. **Public streets.** The design standards for streets are contained in the City's Engineering Design and Construction Manual (EDCM) or standards from other agencies as referenced in the manual. General design criteria for streets within the Form-Based Code area are contained in Article V.
- B. Private streets in subdivisions shall meet the following requirements in addition to the requirements in **Section 30-7.2.A**:
 1. Each approved private street must be connected directly to a public street or to another approved private street That connects directly to the major public road network The method and type of connection shall be subject to approval by the city public works department in accordance with the standards set forth in the public works design manual. The private street serving the subdivision shall have a maximum length of 1,000 feet (measured by traversing the length of the approved private street from its farthest extent to the nearest public street). At the point the private street reaches 1,000 feet in length, the subdivision shall provide one of the following, as determined by the city fire rescue department, appropriate emergency connection to the nearest public road, if such a connection can be made on property within the subdivision; or a turnaround sized to accommodate fire and rescue vehicles.

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2. The owners of each approved private street shall provide necessary easements to the city for the purpose of providing municipal services. Alternatively, if the city finds the street serves a valid public purpose, the owners may gratuitously dedicate an approved private street for purposes of public right-of-way.
3. Lots created on an approved private street shall be designed to minimize the number of curb cuts onto the street. Shared driveway access shall be required of adjoining lots, except where an odd number of lots are created, in which case, one lot, as determined by the city public works department, may be allowed to have a separate driveway.
4. Approved private streets shall provide a sidewalk having a minimum width of five feet. The sidewalk shall be provided on both sides of the street in accordance with standards of the public works design manual. Where five feet of pavement is not possible due to a natural or permanent man-made obstruction, the pavement width may be decreased to a minimum of three feet as necessary to avoid the obstruction. If paving is not possible due to natural conditions, a minimum three-foot wide stabilized pedestrian trail shall be constructed

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4020, § 2, 9-26-94; Ord. No. 991381, §§ 4, 5, 9-25-00; Ord. No. 050256, § 1, 4-23-07; Ord. No. 090098, § 2, 9-1-11)

- C. Dead-end streets or cul-de-sacs shall not exceed 250 feet, except where alternative emergency service access is available. Where emergency service access is available, dead-end streets or cul-de-sacs shall not extend beyond 1,000 feet.

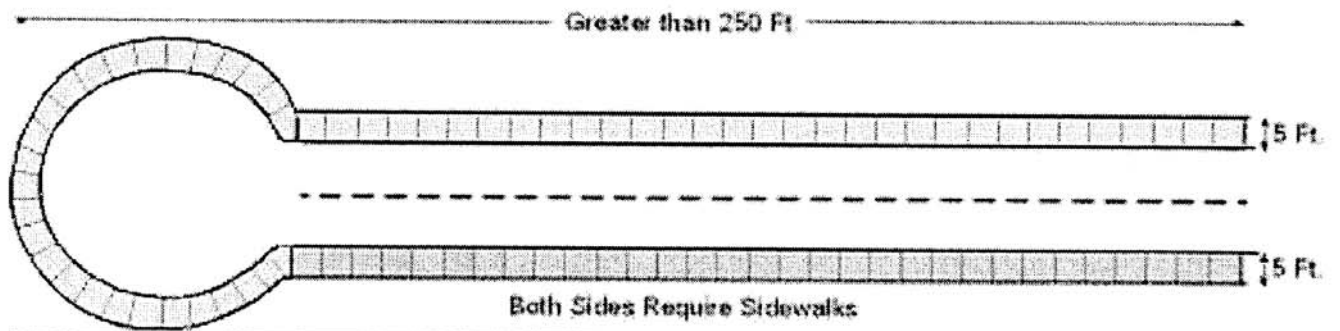
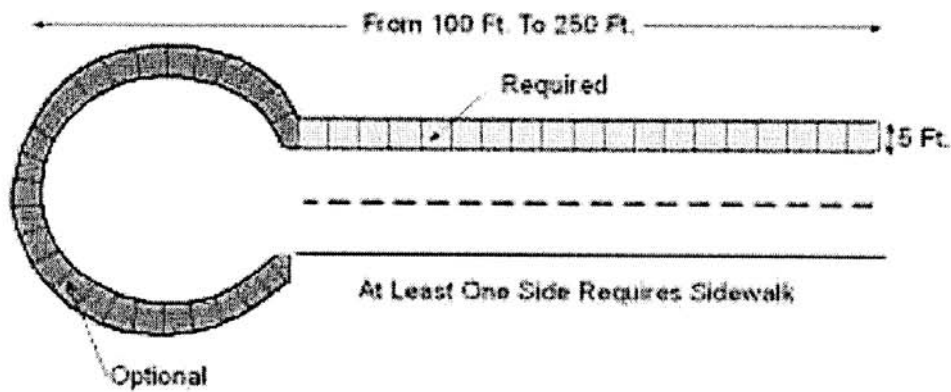
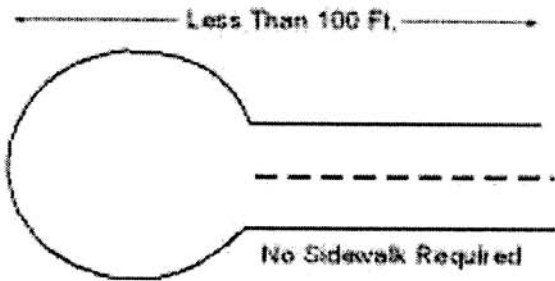
Section 30-7.16. Sidewalks and shared use bicycle paths^[LD17].

- A. Intent. The intent of this section is to enable pedestrian activity throughout the city, especially as a means to promote pedestrian and bus trips, pedestrian safety and accessibility. Sidewalks are required in conjunction with development orders in every zoning district except zoning districts which implement the industrial land use category or as otherwise provided herein. This shall apply to all development orders issued after September 11, 2000, in every zoning district (except as otherwise provided herein), and on any parcel or lot where a roadway is existing adjacent to the proposed development or where there is a reasonable likelihood of mass transit service or a pedestrian need for sidewalks. Sidewalk(s) are required on all public and private streets, on both sides, except as specifically excluded or modified by this section.
- B. Schools. Public and private schools shall meet the design guidelines of Safe Routes to School. Sidewalks and bikeways adjacent to the site shall be extended to appropriate walkways around buildings and bicycle storage areas.
- C. General requirements. Sidewalks^[LD18] are required on both sides of all streets at least five feet in width, except that subdivisions in the industrial, agriculture, conservation, airport services and public services zoning districts are only required to provide sidewalks on arterial and collector streets, as designated by the city manager. Whenever a sidewalk intersects with a curbed street, ramps shall be installed to facilitate access to the sidewalks by wheelchairs. Ramps and sidewalks shall be constructed in accordance with the **Engineering Design and Construction Manual**. However, land designated as industrial on the city's future land use map shall not be required to provide sidewalks as a required subdivision improvement nor shall a sidewalk be required for the exceptions listed below. ^[LD19]
 1. Where sidewalks are continuous, except for isolated lots or plots, in connection with the issuance of building permits, the city shall require an owner of an isolated lot or plot to provide sidewalks along street frontage, except for as follows:

^[LD110]

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- a. Additions or renovations to, or new construction of single family homes on lots platted prior to January 1, 2003, unless a new single family home is proposed to be built on a lot where there is a sidewalk on the adjacent lot frontages.
 - b. The addition or new construction of 500 square feet or less of gross floor area on any property or any paving of fewer than five parking spaces or equivalent area.
 - c. On alleys providing a secondary access to a lot of record.
 - d. Any lot on land designated as industrial on the future land use map of the city.
2. Cul-de-sac or dead-end loop street(s) requirements. A sidewalk is required on at least one side of a street on a cul-de-sac or dead-end loop street(s) from 100 to 250 feet long, except as provided below. Sidewalks are required on both sides on cul-de-sac or dead-end or loop street(s) greater than 250 feet long. For a project in which the closest lots to a connecting street are at least 1,000 feet from the street it stems from, sidewalks are required on at least one side of the street up to the lot nearest the connecting street. Illustrations are shown below.
 3. Sidewalks are not required on a cul-de-sac or dead-end or loop street(s) less than 100 feet long.



4. A shared use bicycle path shall be provided in a subdivision wherever designated on the officially adopted trail network plan for the city. Also, subdivisions containing a proposed trail network corridor shall provide a shared use bicycle path and sidewalk system that integrates or links the subdivision with the trail network.
 5. Shared use bicycle paths that are required in compliance with the officially adopted trail network plan for the city shall be a minimum of ten feet in width and shall be constructed with an asphaltic concrete wearing surface, one inch in thickness. The pavement base shall be a minimum of three inches of limerock compacted to a density of 95 percent AASHTO T-180 or equivalent as approved by the city engineer. Subgrade shall have a minimum LBR of not less than 30. A ramp shall be provided at every intersection with a curbed street.
- D. Special area plan. Sidewalks shall meet the specific requirements of any special area plans any provisions of this Code to the contrary notwithstanding.
- E. Form-Based Code area. Sidewalks shall meet the specific requirements of the transect zone within a form-based code area.
- F. Responsibility for construction. The installation of sidewalks is the responsibility of the developer/owner and the sidewalks shall be installed prior to the issuance of a certificate of occupancy by the city. For a phased development, sidewalk(s) shall be completed to serve any area for which a certificate of occupancy or any temporary occupancy is required. The developer/owner shall only be responsible for the sidewalk on the same side of the street(s) on which the approved plan is adjacent, except as specifically modified by paragraph h. below.
- G. Design standard. Sidewalk(s) and ramp(s) shall be constructed in accordance with the City of Gainesville **Engineering Design and Construction Manual**. Whenever a sidewalk intersects a curbed street, ramps shall be installed to facilitate handicap access.
- H. Dedication. From time to time, an amendment to an existing developed area may require the installation of a sidewalk, however, inadequate right-of-way may exist to such extent that a developer/owner cannot install a sidewalk. In this event the city shall require the developer/owner to dedicate sufficient right-of-way to install proper sidewalk areas along all boundaries of the proposed development abutting public streets, or provide an easement to the homeowners association or condominium, as applicable, for additional common area for the sidewalk. The dedication of sufficient right-of-way for sidewalk improvements must be necessary to serve the development or reduce the impact of the development on the city's transportation system, and must, in all instances, meet the "essential nexus" and "rough proportionality" requirements established by the United States Supreme Court in the cases of *Nolan v. California Coastal Commission* and *Dolan v. City of Tigard*.
- I. Modifications. The appropriate reviewing board ("board"), city manager or designee (hereinafter "city manager") where no board approval is required, may approve modifications from the terms of this section as follows:
1. The board or city manager shall require the petitioner to provide information in the form of reports, maps, diagrams and similar material to support their request for modification.
 2. The board or city manager, may determine the appropriate location and/or termination of sidewalk(s), determine that dedication of right-of-way meets the required obligation, or determine that a portion of a sidewalk may be narrowed, if consistent with state accessibility requirements, or any combination of the above.
 3. The applicant must demonstrate that conditions and circumstances, which do not result from the actions of the developer, warrant modification of the sidewalk requirements. In reaching its decision, the board or city manager shall consider the following:

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- a. The need to relocate utilities that must be moved solely in order to facilitate the construction of sidewalk;
- b. Construction or redesign of stormwater management facilities;
- c. Insufficient building setbacks;
- d. A substantial lack of right-of-way;
- e. Protection of heritage and champion trees;
- f. Excessive slope or other topographic or geological features;
- g. Existing and expected future isolation of the subject parcel;
- h. Sidewalks are not permitted by state or local agencies with jurisdiction over the subject right-of-way.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3869, § 1, 6-21-93; Ord. No. 4020, § 1, 9-26-94; Ord. No. 951277, § 1, 10-14-96; Ord. No. 951412, §§ 1, 2, 7-8-96; Ord. No. 002471, § 5, 12-9-02; Ord. No. 050159, § 2, 11-28-05; Ord. No. 090098, § 3, 9-1-11)

Cross reference— Buildings and building regulations, Ch. 6.

Section 30-7.17. Access management

A. Access to residentially zoned properties^[LDI11].

1. No residentially zoned (except RH-2) land shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned or which is used for any purpose not permitted in a residential district or which is shown on the future land use map of the comprehensive plan for solely nonresidential use, except for ingress and egress to a use existing on October 26, 1981, on land which does not abut a public street.
2. No entrance to a dwelling unit in an RMF-5, RMF-6, RMF-7, RMF-8, RH-1 or RH-2 district shall be closer to any access road or driveway than 15 feet.
3. Minor improvements, such as ramps and landings, that are intended to provide access for a handicapped resident shall be permitted by right within the required yard of any existing single-family dwelling, two-family dwelling and three-family dwelling.

B. Access to non-residential uses^[LDI12].

1. Where a parcel of property used for nonresidential use in any business, office, industrial or mixed use district abuts more than one street, access from either street to such property will be permitted only if no property in any RSF-1, RSF-2, RSF-3, RSF-4 or RC residential district or shown for single-family residential use on the future land use map of the comprehensive plan lies immediately across such street from such office-zoned property; provided, however, access may be permitted from any major collector or arterial as shown on the official roadway map; and provided, further, that one point of access shall be permitted in any case, notwithstanding other provisions of this subsection.
2. Access to shopping centers shall be in accordance with the provisions of this article, Chapter 23 of the Code of Ordinances, and section 30-67(f) of the Code of Ordinances. ^[LDI13]Areas used by motor vehicles shall be physically separated from public streets by landscaped buffer areas^[LDI14].

C. Bicycle, greenway and pedestrian access.

Provisions shall be made to safely incorporate travel ways for bicycle and pedestrian usage into development and redevelopment projects extending to adjacent properties. Where bikeways, greenways or sidewalks are presently adjoining the property, provisions shall be made to safely link the internal bicycle and pedestrian

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system with adjoining facilities. During development plan review, the development review board shall also review the relationship of the mixed-use development to adjoining properties and may require appropriate access for bicycles or pedestrians at locations where vehicular access is prohibited.

Editor's note— Section 30-60 was originally numbered in Ord. No. 3777 as § 30-59.1. The section was renumbered by Ord. No. 3963, § 2, adopted Mar. 14, 1994.

(135) Cross reference— Streets, sidewalks and other public places, Ch. 23; construction of sidewalks, curbs and gutters, § 23-56 et seq.; construction and removal of driveways, § 23-86 et seq.

Section 30-7.18. Construction or removal of driveways.

All driveways constructed or removed within the city limits shall be constructed or removed as provided for in this section and chapter 23 of the Code of Ordinances.

- A. Unauthorized construction, curb cutting, etc., declared unlawful. It shall be unlawful for any person to construct, cut, break out or remove any curb along a street or alley except as authorized by the provisions of this article.
- B. Permit.
 1. Required. No person shall remove, alter or construct any curb, driveway, gutter or pavement or perform any other improvement on any public street or designated street right-of-way without obtaining a permit authorizing the activity from the appropriate governmental entity (the state department of transportation for roads on the state highway system, the county for roads under county maintenance, or the city for all other roads).
 2. Fees. Fees for city permits shall be according to the schedule set out in Appendix A and shall be paid to the city by the person to whom the permit is issued at the time it is issued.
 3. Posting at site. The driveway permit shall be posted at the construction site.
- C. Submission of plans; information required.
 1. No driveway permit shall be issued except in compliance with this chapter. In the event that the proposed construction does not require development review under this chapter, then a copy of the plans showing the location and dimensions of all proposed improvements shall be filed with the public works department and the traffic engineering department. Plans are not required for single-family zoned property or single-family uses. All applications for driveway permits must include information as to whether the driveway will connect to a road on the state highway system or is on a county-maintained street.
 2. Additional plans must be submitted to the state department of transportation or the county for driveways connecting on the state highway system or county-maintained streets. All plans submitted for driveways on the state highway system must meet state department of transportation submittal requirements including those in F.A.C. Chapters 14-96 and 14-97, as amended from time to time. All plans submitted for driveways connecting on county-maintained streets must meet the county's submittal requirements.
 3. Information required on plans submitted shall include:
 - a. A complete plot plan showing all proposed buildings and parking layouts, including north arrow and date.
 - b. Existing and proposed driveway locations and widths.
 - c. Street pavement types and widths and right-of-way widths.
 - d. Proposed location of off-street loading and unloading facilities, interior parking arrangements, and traffic circulating patterns.

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- e. Retaining walls, drainage, utility poles, trees and other physical features which affect the driveway location.
 - f. Driveways on adjacent properties and/or on opposite side of the street.
 - g. The state road number, county road number or local road name, the existence and location of any existing and/or proposed public or private roads (proposed public roads as shown in the state department of transportation five-year transportation improvement plan or the city or the county five-year capital improvement plans) abutting or entering the property, and the horizontal and vertical curvature of the roads.
 - h. Any additional information required by the state department of transportation or the county for roads under their permitting authority.
- D. Design considerations.
1. State department of transportation design and construction standards must be met for driveways on the state highway system.
 2. County design and construction standards must be met for driveways under county road maintenance.
 3. In addition to state department of transportation or state county design standards, all city requirements shall be met unless they are superseded by state department of transportation or county standards. The city design standards and all other city requirements shall be met for all city-maintained streets or alleys.
 4. The choice of the proper location for access facilities (driveways) must involve consideration of the amount of conflict which can be expected both within the parking area and on the abutting streets. One primary concept which shall be followed is to reduce the number of connections to a practical minimum, thus providing fewer locations where conflicts may occur. The Director or designee may require stub outs to adjacent properties for future cross-access.
 5. The area to which the driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading and parking maneuvers to be carried out on private property and completely off the street right-of-way.
 6. Driveways shall be constructed to conform to the existing paved street grade or grade approved by city engineer for nonpaved streets.
 7. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles:
 - a. Back-out parking onto a public street and/or highway shall not be permitted unless the parking backs out onto an alley (as determined by the city manager or designee) and in the opinion of the city manager or designee does not present any unexpected hazard to roadway users with respect to roadway design considerations (e.g. visibility, road width, maintenance of utilities, traffic control devices). The^[LDI15] following standards shall be used to determine if a particular right-of-way is an alley:
 - i. The location of the right-of-way at mid-block in the street grid;
 - ii. Width of right-of-way (typically 15 to 20 feet);
 - iii. Right-of-way not in alignment with a street on a grid map.
 - b. The minimum distance from the street right-of-way line at any ingress or egress driveway to any interior service drive or parking space with direct access to the driveway shall be twenty (20) feet.
 - c. The minimum distance from the street right-of-way line on any major ingress or egress driveway to any interior service drive or parking space having direct access to such driveway shall be one hundred (100) feet. A major driveway is defined as the main ingress or egress point to a public street or highway from a

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site of a major development such as a shopping center, multiple-family development, industrial park, etc.

- d. Six-inch standard curb or similar barrier shall be installed along the driveway from the street right-of-way line to the first interior service drive or to and including the first interior parking space described in **subsections b and c, above**. Material other than concrete or asphalt curb may be used if approved by the city engineer and chief code enforcement officer or building official.
 8. Driveways shall be laid out to intersect the street as nearly as possible at right angles (ninety (90) degrees) and no driveway shall intersect any street at less than seventy-five (75) degrees, unless no other access is possible and the alternate access design is approved by the City Traffic Engineer. Driveways at or near street intersections or driveways from other sites that cannot be aligned shall be offset no less than one hundred fifty (150) feet from each other. In order for a driveway to be offset less than one hundred fifty (150) feet the applicant shall demonstrate to the satisfaction of the city traffic engineer that extraordinary need and/or circumstances exist such as insufficient frontage width or existing natural features which preclude driveway installation.
 9. Driveways serving major developments, as defined in this chapter, shall not be located closer than three hundred (300) feet from the intersection of arterial and/or collector streets. The petitioner must demonstrate hardship to the city traffic engineer or the city traffic engineer must determine that special engineering design considerations exist for driveways serving major developments to be located closer than three hundred (300) feet to the intersection of arterial and/or collector streets.
- E. Specifications generally; costs for city-maintained roadways.
1. The public works department shall prepare, maintain and update a design manual which provides design and construction specifications for driveways, curb cuts, curbs and other pavement on city-maintained roadways and rights-of-way. The design manual shall be adopted by administrative rule. In those instances where a party chooses to deviate from the design manual, it shall be the responsibility of that party to demonstrate that the deviation is not inconsistent with best engineering practice and the principles of this article.
 2. All driveways shall be hard-surfaced in conformance with the standards and specifications adopted by the city commission by resolution and on file in the office of the city engineer.
 3. Driveways shall cross the sidewalk area at the sidewalk grade established by the city engineer.
 4. Driveways shall be constructed as nearly to a right angle to the street or roadway as possible.
 5. Where special pedestrian and vehicular hazards may be encountered, driveways may be restricted to a one-way operation. Proper signs giving notice to the restricted use of driveways shall be erected and maintained by the person having control over the driveways. Failure to erect such signs and failure to use such driveways in accordance with the proper signs shall be a violation of this article.
 6. All costs of any change proposed in any physical improvements originally installed by the city and all costs of the installation of any driveway or necessary signing shall be borne by the property owner.
 7. All costs and responsibilities for maintenance and/or repair of any driveway or related signing shall be borne by the property owner.
- F. Number and location of driveways. In order to maximize traffic safety and highway capacity, provide reasonable ingress and egress to property, and adhere to the concepts of access management as stated in Florida Statutes and regulated by the state department of transportation, the number and location of driveways shall be regulated as follows:
1. One (1) driveway shall be permitted for ingress and egress to a lot, except:

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- a. As approved in subsections (6)b. and c. of this section;
 - b. Where joint-use driveways , shared access or cross-access drives are approved by the development review board or city plan board under development plan review in accordance with this chapter; or
 - c. Where property zoned and in use for a detached single-family dwelling or two-family dwelling abuts a local street as defined in subsection 30-187(c).
2. Two (2) driveways shall be permitted for ingress to and egress from a lot provided:
- a. All other requirements of this article are met;
 - b. The minimum distance between the two driveways equals or exceeds 20 feet as measured from inside edge to inside edge of the driveways at the property line; and
 - c. The applicant demonstrates to the city traffic engineer sufficient need, such as delivery of emergency services, one-way driveway, physical features unique to the site, and/or loading/unloading requirements, to justify two (2) driveways.
3. More than two driveways shall be permitted for ingress and egress to a lot provided:
- a. All other requirements of this article are met and exceptional circumstances exist which cannot be mitigated, in the judgment of the city traffic engineer, unless more than two driveways are provided; or
 - b. Where the lot meets the following three thresholds:
 - i. The lot exceeds ten acres in total land area;
 - ii. The lot has more than 1,000 automobile parking spaces; and
 - iii. Whenever more than two driveways are permitted, the minimum distance between driveways meets or exceeds 300 feet as measured from centerline to centerline of the driveways at the property line.
4. The number and location of driveways may be further regulated by special area plans as may exist or be adopted in accordance with article V of this chapter. These special area plans are maintained on file in the department of planning and development services.
5. The number and location of driveways on the state highway system are regulated by the state under Chapters 14-96 and 14-97 F.A.C., as amended from time to time.
6. If development on any city street impacts the operation of any road on the state highway system, the regulations set forth in Chapters 14-96 and 14-97 F.A.C., as amended from time to time shall apply.
- G. Driveway types.
- 1. All driveways on the state highway system or on county-maintained streets shall meet the relevant requirements of the appropriate governmental entity.
 - 2. All driveways on city-maintained roadways shall be the standard ramp-type driveway construction except that street-type entrances may be permitted from major thoroughfares into the major entrances of planned shopping centers, large industrial developments, apartment complexes and drive-in theaters that have parking areas for 300 or more vehicles.
- H. Width of driveways having access to city-maintained roadways.
- 1. Ramp-type driveways.
 - a. The width of a ramp-type driveway shall be within the minimum and maximum limits as specified below:

Location	Minimum	Maximum
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	(feet)	(feet)
Single-family residential	10	24
Residential	12	30
All other uses:		
One-way	15	24
Two-way	24	40

- b. All driveway widths shall be measured at the street right-of-way line.
 - c. For single-family residential driveways, the width of the curb opening shall not be less than 16 feet measured from the outside edge to outside edge of the curb transition (T).
 - d. For all other ramp-type driveways the width of curb opening shall not exceed the driveway width by more than three feet on each side.
2. Street-type driveways. The width of street type driveways shall be within the minimum and maximum limits as specified below.

Location	Minimum (feet)	Maximum (feet)
Planned shopping centers, industrial developments, apartment complexes (with parking for 300 or more vehicles)	24	60

- I. Prohibited locations; installation of curb stops.
 - 1. No driveway shall be constructed in the radius return of an intersection.
 - 2. No driveway shall be constructed nearer than 25 feet from the intersection of street right-of-way lines.
 - 3. All driveways shall be constructed with a minimum setback distance of five feet from any interior property line, and with a two-foot minimum offset from the property line at the roadway connection. These offsets may be reduced for single-family residences at the recommendation of the city traffic engineer.
 - 4. To prevent vehicle overhang on private property in the vicinity of the driveway, parking areas and loading areas, a six-inch raised curb and/or parking stops shall be constructed a minimum distance of three feet inside the street right-of-way line or property line.
 - 5. No driveway shall be permitted to include any municipal facility such as traffic signal standards, catchbasins, fire hydrants, utility poles, fire alarm supports or other similar type structures.
 - 6. To prevent parked vehicles from intruding or overhanging landscaped areas, sidewalks or critical drainage retention areas, the city engineer and/or city traffic engineer may require the construction of a six-inch raised curb and/or similar barrier to protect such areas.
- J. Work to be performed by bonded contractors; requirements of bond. All work of removing any curb and building of any driveway shall be done by a licensed contractor having in force a current contractor's bond in an amount equal to or greater than three times the estimated cost of the proposed work. This bond shall be for a period of three years and shall be renewed each year at the time the contractor obtains his/her business tax receipt.
- K. Type of construction for driveways on city-maintained roadways.
 - 1. All nonresidential driveways shall be constructed of six-inch thick concrete with steel reinforced matting from the edge of the curb or pavement to at least the property line. The driveway must extend a sufficient

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distance from the pavement so that the rise of the drive will be at least six inches above the level of the gutter or pavement with the minimum distance being the property line.

2. Residential driveways shall be concrete as specified in subsection (11)a. of this section or may be of type III asphalt, one and one-half inches thick, depending on the existing stormwater facilities, subject to review by the public works department.
 3. Exceptions to the concrete requirement for nonresidential driveways may be made at the discretion of the public works department.
- L. Minimum thickness of concrete; specifications for concrete. Concrete for the construction of driveways shall meet the American Society for Testing Materials specifications for concrete of 2,500 pounds compressive strength. Driveways shall be constructed with 2,500 psi concrete either four inches thick with steel reinforcing matting or six inches thick without steel reinforcing matting. All driveways shall be constructed in accordance with the plans and specifications as per the Engineering Design and Construction Manual.
- M. Alteration of existing driveways; unnecessary driveways.
1. Existing driveways shall not be relocated, altered or reconstructed without a permit approving the relocation, alteration or reconstruction, and the driveways shall be subject to the provisions of this article.
 2. When the use of any driveway is changed, making any portion or all of a driveway unnecessary, the owner of the abutting property shall, at his/her expense, replace all necessary curbs, gutters, sidewalks and grass areas as per standards and specifications in the Engineering Design and Construction Manual.
- N. Review and approval. All driveways hereafter constructed in the city on street rights-of-way shall be reviewed and approved by the appropriate city department prior to the issuance of any building permit for the erection, construction, reconstruction or change in the use of the building, structure or land. This provision shall not apply to single-family residential zoned property or for single-family uses.
- O. Variances for improvements on city-maintained roadways.
1. Definition. A variance is hereby defined as a relaxation of the terms of this article where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, or his/her predecessors, a literal enforcement of this article would result in unnecessary and undue hardship. As further defined for the purpose of this article, a variance is authorized only for driveway widths, street line corner clearances, and property line edge clearances. No variances shall be granted for roads on the state highway system or county-maintained streets without prior written permission from the state department of transportation or the county to authorize the activity requested in the variance application.
 2. Authorization. The development review board is hereby authorized to grant variances from the provisions of this article only under the provisions of this section. The variance may be granted only when the granting of same will not be contrary to the public interest, and where, owing to specific conditions, a literal enforcement of the provisions of this article relating to driveways would result in unnecessary hardship, not created by the applicant.
 3. Procedures. A variance as authorized by this section shall not be granted unless and until a written application for a variance is submitted demonstrating that:
 - a. Special conditions and circumstances exist which are peculiar to the physical or topographical features of the land or structures or buildings which are not applicable to other lands or structures within the city.
 - b. Literal enforcement of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this article.

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- c. The special conditions and circumstances in **subsection (15)c.1.** of this section do not result from the action of the applicant or his/her predecessors;
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this section to other lands or structures or buildings in the city.
4. Public hearings; notices. Public hearings and notices thereof shall be as required by **subsections 30-354(f), (i) and (l),** and at the public hearing any party may appear in person or by his/her duly authorized agent or attorney.
 5. Findings of development review **board.** Before granting a variance as authorized by this section, the board shall make the following findings:
 - a. That the requirements of **subsection 30-354(d)(3)c.1** have been met by the applicant.
 - b. That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - c. That the granting of the variance will be in harmony with the general intent and purpose of this article, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 6. Conditions. In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this article. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning chapter and punishable under **section 30-362**
 7. Prohibitions. Under no circumstances shall the board grant a variance under this article that would permit back-out parking on a public street, or a driveway in a street radius, reduce driveway width to permit two or more nonstandard driveways, or reduce the number of parking spaces required in the zoning requirements, or variances which would affect the safety of a public street, sidewalk or bike route.
- P. Protection of public from injury. Whenever any person shall do or undertake to do any of the things set forth in this article, it shall be the duty of the person to protect from harm and damage all persons who may be using any street or sidewalk or other public place where such activity is in progress and to that end the person shall erect and maintain suitable barricades, sign, lights, flares and other appropriate warning devices at the proper locations where the work is in progress in accordance with the current policy and regulations for street construction and maintenance.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 4075, § 14, 5-8-95; Ord. No. 960425, § 1, 2-17-97; Ord. No. 070022, § 13, 6-25-07)