

ORDINANCE NO. 070447
0-07-119

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of “Rural/Agriculture” and the City of Gainesville land use category of “Agriculture” to the land use categories of “Single-Family (up to 8 units per acre)”, “Residential Low-Density (up to 12 units per acre)”, and “Conservation”, and by overlaying the “Planned Use District” category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 1778 acres; generally located north of U.S. 441 and Northwest 74th Place lying east and west of SR 121 and CR 231, and south of Northwest 121st Avenue; providing for time limitations; creating and adopting Policy 4.3.4; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing that the Future Land Use Map be amended by changing the land use categories of certain property from the Alachua County land use category of “Rural/Agriculture” and the City of Gainesville land use category of “Agriculture” to the land use categories of “Single-Family (up to 8 units per acre)” and “Conservation”, and by overlaying the “Planned Use District” category over certain portions of the property, as more specifically described and shown in this ordinance; and

WHEREAS, notice by the Plan Board was given and publication made as required by law and a public hearing was held by the City Plan Board on August 16, 2007; and

WHEREAS, notice was given and publication made of Public Hearings which were then held by the City Commission on November 26, 2007 and December 10, 2007; and

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1 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
2 inches long was placed in a newspaper of general circulation notifying the public of this proposed
3 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,
4 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was
5 published; and

6 **WHEREAS**, pursuant to law, after the Public Hearings at the transmittal stage held on June
7 9, 2008, the City of Gainesville transmitted copies of this proposed change to the State Land
8 Planning Agency; and

9 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
10 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at
11 the adoption stage at least five (5) days after the day the second advertisement was published; and

12 **WHEREAS**, public hearings were held pursuant to the published and mailed notices
13 described above at which hearings the parties in interest and all others had an opportunity to be and
14 were, in fact, heard.

15 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the
16 comments, recommendations and objections, if any, of the State Land Planning Agency.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
18 **CITY OF GAINESVILLE, FLORIDA:**

19 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
20 Plan is amended by: 1) changing the land use category of certain property from the Alachua County
21 land use category of “Rural/Agriculture” to the underlying City of Gainesville land use category of

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1 “Agriculture”; 2) changing the land use categories of certain property from the underlying City of
2 Gainesville land use category of “Agriculture” to the land use categories of “Single-Family (up to 8
3 units per acre)”, “Residential Low-Density (up to 12 units per acre)” and “Conservation”, and 3) by
4 overlaying the “Planned Use District” category over certain portions of the property with the
5 underlying land use category of “Agriculture”, all as more specifically described and shown as
6 follows:

7 See map, labeled as “Landmar SR-121” dated December 12, 2008, attached hereto
8 as Attachment "A", and made a part hereof as if set forth in full.
9

10 The map attached as Attachment “A” is adopted and added to the Future Land Use Map Series A of
11 the City of Gainesville Comprehensive Plan.

12 **Section 2.** A PD (planned development) zoning ordinance consistent with the planned
13 use district must be adopted by the City Commission within 18 months of the effective date of
14 the land use change. The obligation to timely apply for and obtain PD zoning shall be on the
15 owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period,
16 then the overlay planned use district shall automatically be null and void and of no further force
17 and effect and the overlay land use category of “Planned Use District” shall ministerially be
18 removed from the Future Land Use Map, and the underlying land use shall be the City of
19 Gainesville land use category of “Agriculture”. The timely filing of an extension application by
20 the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until
21 final City Commission action on the extension application.

22 **Section 3.** Goal 4, Objective 4.3 of the Future Land Use Element of the City of Gainesville

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1 2000-2010 Comprehensive Plan is amended by creating and adding Policy 4.3.4 to Objective 4.3
2 which shall govern and control the use and development of the property described in Attachment
3 “A”, as follows (no change to Policies 4.3.1, 4.3.2 and 4.3.3):

4 GOAL 4. THE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF
5 THE CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER
6 THAT USES NEIGHBORHOOD CENTERS TO PROVIDE GOODS AND
7 SERVICES TO CITY RESIDENTS; PROTECTS NEIGHBORHOODS;
8 DISTRIBUTES GROWTH AND ECONOMIC ACTIVITY THROUGHOUT THE
9 CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES
10 QUALITY OPEN SPACE AND PRESERVES THE TREE CANOPY OF THE
11 CITY. THE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS
12 FOR COMPACT DEVELOPMENT AND EFFICIENT USE OF
13 INFRASTRUCTURE.

14 **Objective 4.3**

15
16 The City shall establish protection and enhancement policies, as needed, for selected
17 neighborhood (activity) and regional centers.

18
19 4.3.4 The property governed by this policy shall be known as the LandMar Development
20 (“LandMar”) for land use purposes. Due to the unique infrastructure and environmental
21 constraints of “LandMar” as depicted on the map labeled “LandMar SR 121 Overall Site” in the
22 Future Land Use Map Series A, LandMar shall be governed by the following policies:

- 23
24 A. Within all land use areas of LandMar:
- 25
26 1. Maximum residential development of the entire 1,778 acres shall not exceed
27 1,890 residential units and 100,000 square feet of non-residential uses of which a
28 maximum of 80,000 square feet shall be permitted as Commercial, and these
29 densities and square footage may be less unless the developer establishes to the
30 City at the time of rezoning by competent substantial evidence, that the
31 development meets the criteria and standards of this Policy 4.3.4 and the Land
32 Development Code.
 - 33
34 2. Development shall be clustered to inhibit encroachment upon the environmentally
35 significant features of LandMar; and
- 36

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- 1 3. Wetlands shall not be impacted other than where necessary to achieve
2 interconnectivity between upland properties; and
3
4 4. Wetlands shall be protected by wetland buffers that shall be a minimum of fifty
5 (50) feet and an average of seventy-five (75) feet; and
6
7 5. Stormwater treatment facilities shall not be permitted within required wetland
8 buffers; and
9
10 6. Floodplain areas shall be protected so that at least ninety (90%) percent of existing
11 floodplain areas shall not be altered by development, except that recreation and
12 stormwater management may occur within not more than twenty (20%) of
13 floodplain areas, and the existing floodplain storage volume will be maintained;
14 and
15
16 7. Stormwater best management practices and/or low impact development (LID)
17 practices shall be used to the maximum extent practicable to maintain or replicate
18 the pre-development hydrologic regime, as determined by the City, and consistent
19 with state requirements; and
20
21 8. Existing functioning ecological systems within LandMar shall be retained to the
22 maximum extent practicable while accommodating the uses and intensity of uses
23 authorized by the land use policies governing LandMar, as determined by the City.
24
25 9. Maintain and enhance plant and animal species habitat and distribution by
26 protecting significant plant and animal habitats, provide for habitat corridors,
27 prevent habitat fragmentation by requiring a detailed survey of listed species,
28 identify habitat needs for maintaining species diversity and sustainability; preserve
29 wetlands and at least 40% and up to 50% of the upland area. Listed species are
30 those species of plants and animals listed as endangered, threatened, rare, or
31 species of special concern by the state and federal plant and wildlife agencies, or
32 species ranked as S1, S2, or S3 the Florida Natural Areas Inventory (FNAI) on
33 November 1, 2007.
34
35 10. Wetlands, wetland buffers, floodplain and upland habitat areas that are to be
36 protected shall be identified as Conservation Management Areas and protected by
37 a perpetual conservation easement in favor of the City, or a tax exempt land trust
38 doing business within Alachua County, Florida, as determined by the City.
39 Activities within the Conservation Management Areas shall be as set forth in a
40 Conservation Management Plan approved by the City.
41
42 11. Planned Developments adopted by zoning ordinances within LandMar shall

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1 impose standards that address minimum required setback from SR 121 and CR
2 231, retention of existing vegetation and supplemental vegetative plantings,
3 fencing and other forms of screening. Except where access to the property is
4 provided, a minimum 50 foot vegetative buffer shall be retained along both sides
5 of SR 121 and CR 231 within LandMar.
6

7 12. A natural and/or planted buffer with a minimum average width of 100 feet that at
8 no location is less than 25 feet wide, shall be retained along the entire western
9 boundary property line beginning at SR 121 at the north and ending at US 441 at
10 the south, but shall not include the southwesterly property line abutting US 441.
11

12 13. A natural and/or planted buffer with a minimum average width of 200 feet that at
13 no location is less than 50 feet wide, shall be retained along the southern boundary
14 of LandMar, west of SR 121, between industrial and residential uses.
15

16 B. Conservation Land Use Areas

17 All areas designated Conservation land use shall receive a zoning district designation of
18 Conservation and are not permitted to have any residential units. There shall be no
19 transfer of density to other areas. No development, other than minimum crossings
20 necessary to achieve interconnectivity between upland properties, and passive
21 recreational uses is allowed within the Conservation Areas, as determined by the City.
22

23 C. Single-Family, Residential Low-Density and Planned Use District Land Use Area –
24

25 1. All areas designated Single-Family, Residential Low-Density and Planned
26 Use District land use shall be implemented by Planned Development (PD)
27 zoning. The required rezoning to PD of the areas designated Single-Family
28 and Residential Low-Density may occur in increments over time upon
29 request of the property owner and approval by the City; however, rezoning
30 of the Planned Use District (PUD) area to PD shall occur as provided in
31 Paragraph F below entitled “Planned Use District Land Use Area”. Until
32 such rezonings to PD are effective, the zoning district designations shall
33 remain Agriculture for all areas designated Single-Family, Residential
34 Low-Density and Planned Use District land use; and
35

36 2. All areas that are rezoned to PD shall be designed to be traffic-calmed and
37 pedestrian friendly; and
38

39 3. The PD rezonings for LandMar shall ensure that allowed uses are
40 integrated within the existing site landscape in a way that reasonably
41 assures the following:
42

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1 a. Preservation of the ecological integrity of the ecosystems of LandMar by
2 creating and maintaining connectivity between habitats, minimizing
3 natural area fragmentation, and protecting wetlands, associated uplands,
4 and floodplains as indicated in Policy 4.3.4 A above; and

5
6 b. Preservation or enhancement of existing wetlands with approved treated
7 stormwater to wetlands, limiting impacts to such wetlands to crossings
8 necessary to achieve interconnectivity between upland properties, and
9 requiring that any such crossings be designed to minimize wetland
10 impacts.

11
12 4. The PD rezonings for LandMar shall require that appropriate “low impact
13 development” (LID) techniques for the site must be implemented. The applicant
14 shall provide proof at each rezoning to PD that a responsible entity (e.g.,
15 community development district, developer and/or homeowner’s association) will
16 permanently provide for proper maintenance of the LID functional landscape. LID
17 is a site design strategy for maintaining or replicating the pre-development
18 hydrologic regime through the use of design techniques that create a functionally
19 equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,
20 and ground water recharge, plus discharge volume and frequency shall be
21 maintained by integrated and distributed micro-scale stormwater retention and
22 detention areas, by the reduction of impervious surfaces, and by the lengthening of
23 flow paths and runoff time. Other LID strategies include, but are not limited to,
24 the preservation/protection of environmentally sensitive site features such as
25 wetlands, wetland buffers and flood plains. Each rezoning to PD shall include
26 conditions requiring appropriate LID practices, subject to the approval of the City.
27 Such practices shall include, but are not limited to:

28
29 a. Development that adheres to the principles of “New Urbanism” or
30 “Traditional Neighborhood Development”.

31 b. Clustering of development.

32 c. Bioretention areas or ‘rain gardens.’

33 d. Grass swales

34 e. Permeable pavements

35 f. Redirecting rooftop runoff to functional landscape areas, rain barrels or
36 cisterns.

37 g. Narrowing street widths to the minimum width required to support traffic,
38 on-street parking where appropriate, and emergency vehicle access.

39 h. Elimination of curb and gutter where appropriate.

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- i. Minimization of impervious surfaces through use of shared driveways and parking lots.
 - j. Reduction in impervious driveways through reduced building setbacks.
 - k. Reduction in street paving by providing reduced street frontages for lots.
 - l. Permanent educational programs to ensure that future owners and residents of the site have an opportunity to fully understand the purpose, function, and maintenance of each LID component.
 - m. Limitations on the amount of turf allowed within the site and standards for implementation of best management practices for such turf, including minimum fertilizer applications.
 - n. Reuse of stormwater.
 - o. Use of “Florida Friendly” plant species and preferably native species for landscaping.
 - p. Use of low-volume irrigation technologies and soil moisture sensors if potable water supply is used for irrigation.
5. Implementation of appropriate “firewise” community planning practices shall be identified during the rezoning process and required by the PD zoning ordinances.
6. A master storm water management plan for each geographic area proposed for rezoning to PD must be prepared and submitted to the City for review and approval before final development orders can be approved.

D. Single-Family Land Use Areas:

- 1. All areas designated Single-Family land use shall be rezoned to PD prior to undertaking any development for single-family use within the rezoned area; and
- 2. All of the areas designated Single-Family land use within LandMar (Future Land Use Map, Series A) shall be limited to a total maximum gross residential density of 1 residential unit per 2.5 acres (0.4 residential units per acre) up to a maximum of 218 residential units; and

E. Residential Low-Density Land Use Areas:

- 1. All areas designated Residential Low-Density land use shall be rezoned to PD prior to undertaking any development for multi-family or single-family

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1 use or any other housing type.

2
3 2. Development of a range of housing types, including, but not limited to single-
4 family detached, single-family attached, townhomes and apartments is allowed.
5 The mix of housing types shall be specifically provided in the PD zoning
6 ordinances. Clustering of residential uses to allow for greater environmental
7 sensitivity is allowed.

8
9 3. Development shall provide for pedestrian and bicyclist safety and comfort.

10
11 4. All of the areas designated Residential Low-Density land use within
12 LandMar (Future Land Use Map, Series A) shall be limited to a total
13 maximum gross residential density of 2.75 residential units per acre, up to
14 a maximum of 1,004 residential units, or less, as transfers of density may
15 occur as provided in Paragraph F.3.c. below.

16
17 F. Planned Use District Land Use Area:

18
19 1. Development within the Planned Use District area shall maximize
20 pedestrian/bicycle connections among all uses (residential and non-residential)
21 and shall maximize pedestrian and bicyclist safety and comfort. A network of
22 sidewalks and street trees shall be provided on all internal streets. Sidewalk
23 connections shall be made from the internal sidewalk system to the public right of
24 way adjoining the Planned Use District. To minimize traffic impacts on SR 121,
25 the implementing PDs shall maximize internal roadway connectivity between
26 residential and areas with mixed uses.

27
28 2. The PDs associated with the Planned Use District shall provide for transit access
29 approve by the City's Regional Transit System (RTS), and the owner/developer
30 may be required to provide comfortable, multi-use transit stations if transit service
31 is made available to LandMar.

32
33 3. The implementing PDs district zoning for the Planned Use District area shall be
34 subject to the following standards:

35
36 a. A PD (planned development) zoning ordinance consistent with the planned
37 use district must be adopted by the City Commission within 18 months of
38 the effective date of the land use change. The obligation to timely apply for
39 and obtain PD zoning shall be on the owner/developer. If the aforesaid
40 zoning ordinance is not adopted within the 18-month period, then the
41 overlay planned use district shall automatically be null and void and of no
42 further force and effect and the overlay land use category shall ministerially

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1 be removed from the Future Land Use Map, and the underlying land use
2 shall be “Agriculture”. The timely filing of an extension application by the
3 owner/developer to extend the aforesaid 18-month period shall toll the
4 expiration date until final City Commission action on the extension
5 application.

6
7 b. The Planned Use District area shall allow mixed uses such as residential,
8 office, business retail, professional and financial services, schools, places of
9 religious assembly and community facilities. The area shall be implemented
10 by PD zoning which shall generally adhere to the requirements of the City’s
11 Traditional Neighborhood Development District standards.

12
13 c. A minimum gross density of 4 residential units per acre (668 residential
14 units) is required for the 166.89 acres of Planned Use District (PUD) land
15 use. A transfer of density from the Residential Low-Density Land Use
16 Areas or the Single-Family Residential Land Use Areas into the PUD area
17 may be approved during PD rezonings. Any transfers of density from the
18 Residential Low-Density Land Use Areas and the Single-Family Land Use
19 Areas to PUD shall reduce the overall number of units for the Residential
20 Low-Density Land Use Areas and Single-Family Residential Land Use
21 Area, respectively, allowed by the number of residential units transferred.

22
23 d. Residential uses that are located above non-residential uses are allowed and
24 encouraged. Residential types allowed include townhouses, apartments,
25 plus attached and detached single-family homes.

26
27 e. A maximum of 100,000 square feet of non-residential use shall be allowed
28 within the Planned Use District land use, of which a maximum of 80,000
29 square feet shall be permitted as commercial use. Except as may be
30 otherwise provided in the implementing PD zoning ordinance, each
31 building within this zone shall be allowed to be mixed with residential
32 located above non-residential uses. Each implementing PD shall provide
33 detailed and specific design standards governing all aspects of development
34 within the PD.

35
36 f. Urban design standards that ensure compatibility among the various
37 allowed uses shall be included as part of the PD ordinance. Additional
38 standards may be required to address noise and lighting to further assure
39 compatibility.

40
41 g. The PD zoning ordinance shall, through design and performance measures,
42 assure the neighborhood, pedestrian quality of LandMar by regulating

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1 building type and scale, overall building appearance and orientation,
2 placement and function of parking, loading, waste disposal, access points,
3 outdoor uses and mechanical equipment, signage and landscaping.

4
5 h. Open space shall be provided, where appropriate, as common open space
6 servicing conservation, recreation and civic needs of the Planned Use
7 District Area, subject to approval of the City.
8

9 G. Miscellaneous Provisions

10
11 1. Prior to the second reading of the land use amendment ordinance(s) for
12 LandMar, the developer shall sign a binding agreement acknowledging
13 owner/developer responsibility for proportionate fair-share mitigation for
14 the transportation level of service (LOS) impacts associated with the
15 maximum amount of development identified in the future land use map
16 amendment. Prior to adoption of the second reading of the ordinance for
17 any PD rezoning for any portion of LandMar that would cause degradation
18 of any impacted transportation facility below and the adopted LOS, the
19 City shall amend the 5-Year Schedule of Capital Improvements to show
20 the developer funding for required transportation modifications to
21 maintain the adopted LOS and the funding provided by the proportionate
22 fair share agreement. If sufficient funds are not available for the required
23 transportation modifications and improvements, the owner/developer shall
24 be required to limit the development program of Land Mar to that which
25 would not degrade the transportation LOS below the adopted LOS for
26 impacted roads after taking into account all improvements funded in the 5-
27 Year Schedule of Capital Improvements.

28
29 2. LandMar shall be limited to the maximum levels of development specified
30 below for the initial phase until such time that adequate public facilities
31 and services at the City's adopted levels of services are demonstrated for
32 subsequent phases. Each phase of development is required to be
33 submitted and reviewed in its entirety, and each phase shall be analyzed
34 showing the cumulative impacts of previously approved phases.

35
36 The initial phase of development within the first five years shall consist of:

37
38 581 residential units, which shall include a maximum of 481 single-family
39 detached units and a maximum of 100 multi-family units subject to City
40 approval of a traffic study provided by the owner/developer that shows
41 adequate transportation LOS. The initial phase may include up to 30,000
42 square feet of non-residential use in exchange for a portion of the allowed

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1 residential units. The exchange rate shall be based upon applicable trip
2 generation rates so that the total trips attributable to the initial phase will
3 not exceed the total trips attributable to the allowed 581 residential units.
4 The PD approval process shall ensure a balanced mix of residential and
5 non-residential uses are developed in the first phase. Subsequent to build-
6 out of the first phase, a complete analysis shall be provided by the
7 owner/developer that demonstrates to the satisfaction of the City the
8 availability of adequate public facilities as adopted in the City's LOS
9 standards. Until such time that the developer can demonstrate or fund
10 adequate public facilities, the development is limited to the initial phase of
11 the development.

12
13 At the time of filing an application for planned development rezoning, the
14 developer shall submit to the City recommended transportation mitigation
15 modifications needed to address the full build-out of residential and non-
16 residential uses authorized by Policy 4.3.4.A.1 and identify funding of
17 such modifications pursuant to the Agreement required for Policy
18 4.3.4.G.1. herein, subject to approval by the City. Such modifications may
19 include, but are not limited to, any combination of the following:

- 20
21 a. Creation of new roadway interconnectivity between SR 121 and US
22 441 to better distribute vehicular trips on the impacted SR 121
23 segment(s);
24
25 b. Widening of impacted segments of SR 121 to a maximum of four
26 lanes;
27
28 c. Funding of public transit.

29
30 All recreation facilities that are required to ensure that the City's Recreation LOS
31 standards are maintained shall be specified in the PD rezoning application and
32 ordinance. Such recreation facilities shall include both passive and active
33 recreational facilities including nature trails, a nature park, basketball and/or
34 tennis courts and various types of play areas. Many of the single-family areas
35 along with portions of the PUD area shall be built around pocket parks of various
36 types, subject to approval by the City. At the development stage for each phase
37 and section of the project, recreational amenities necessary to meet the demands
38 of the residential units will be provided by the owner/developer as required by the
39 Gainesville Comprehensive Plan facilities and substitution lists. All recreational
40 amenities will be provided at the cost of the owner/developer. Recreation facilities
41 shall be provided on-site to ensure that the needs of the residents of LandMar are
42 met on-site, provided that a portion of the recreation need may be met through the

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1 cooperative development of active recreation facilities on the adjacent property
2 (tax parcel 07781-002-000) owned by the Suwannee River Water Management
3 District provided that such facilities are under the supervision of and are
4 controlled by the City of Gainesville, and subject to approval by the City.
5

6 3. All proposed access points to CR 231 are subject to approval by the
7 Alachua County Public Works Department. All proposed access points
8 onto SR 121 are subject to approval by the FDOT.
9

10 4. Due to the limited capacity of SR 121, the owner/developer shall provide a traffic
11 study acceptable to the City, Alachua County, and the Florida Department of
12 Transportation prior to the application for each PD rezoning. The study shall
13 analyze issues related to transportation concurrency, operational and safety
14 concerns, and shall propose appropriate mitigation for the transportation impacts
15 of the development.
16

17 5. Land use changes for LandMar do not vest future development for concurrency.
18 The owner/developer is required to apply for and meet concurrency management
19 certification requirements, including transportation, public school facilities, and
20 recreation mitigation at the time of filing any PD rezoning application.
21

22 6. At such time that cumulative development of the subject property reaches the
23 threshold for a Development of Regional Impact (DRI), as provided by Chapter
24 163, F.S., there shall be no more rezonings to PD and no more development plan
25 approvals until the DRI development order has been approved by the City and
26 taken effect.
27

28 7. The LandMar development shall include in any Planned Development Report the
29 requirement that five percent of the residential units shall be affordable to
30 households earning between 80% and 120% of the median income for Alachua
31 County for a family of four as established from time to time by the U.S.
32 Department of Housing and Urban Development. Each implementing PD zoning
33 ordinance shall provide all required methods for ensuring implementation of this
34 requirement, including the requirement that the owner/developer enter into a
35 binding agreement that specifies the number of affordable units that must be
36 constructed on an approved time schedule.
37

38 8. No rezonings to PD within the area of the map labeled "LandMar SR 121 Overall
39 Site" in the Future Land Use Map Series A shall be adopted on final reading of
40 the ordinance for areas north of the line labeled "Phase Line" until all areas south
41 of the same line have been rezoned to PD zoning, and at least 75 percent of the
42 infrastructure (e.g., roads, sidewalks, stormwater facilities, utilities) south of the

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1 “Phase Line” has been constructed and completed.

2
3 9. In accordance with Policy 1.1.5 of the Public School Facilities Element and
4 School Concurrency–Alachua County, FL, Updated Interlocal Agreement for
5 Public School Facility Planning (December 23, 2008), the Alachua County School
6 Board submitted a school facilities capacity report. The report concludes that
7 projected student demand resulting from LandMar Development at the
8 elementary, middle and high school levels can reasonably be accommodated for
9 the five, ten and twenty year planning periods and is consistent with the Public
10 School Facilities Element based upon School District projections and their
11 District Plan. The report and finding does not constitute a school capacity
12 availability determination or concurrency certification, it does not reserve school
13 capacity for LandMar, and it does not vest LandMar for school concurrency. At
14 the time of application for a development order for LandMar, the developer shall
15 apply for and obtain concurrency certification in compliance with the City
16 Comprehensive Plan, Code of Ordinances and state law. Prior to approval of any
17 development order, the City shall coordinate with the School Board and determine
18 availability of school capacity within the applicable School Concurrency Service
19 Area. A Capacity Enhancement Agreement or other mitigation option as provided
20 for in Policies 1.1.7 and 2.5.1 through 2.5.4 of the Public School Facilities
21 Element may be required at that time to ensure continued compliance with all
22 applicable provisions of the City Comprehensive Plan, Code of Ordinances and
23 state law. In the absence of a Capacity Enhancement Agreement or other
24 mitigation option being approved fulfilling the concurrency requirement, the City
25 will not issue a concurrency certification if capacity is unavailable, and such
26 circumstance can result in a delay or denial of a development order for LandMar.

27
28
29 **Section 4.** Those portions of the Planned Use District as shown on the map described in
30 Section 1 of this ordinance is neither abandoned nor repealed; such category is inapplicable as long
31 as the property is developed and used in accordance with the development plan approved in the
32 ordinance rezoning this property to Planned Development “PD”. In the event, however, the
33 property described in Section 1 of this Ordinance is not rezoned by ordinance to Planned
34 Development “PD” within 18 months of the effective date of this Ordinance, as provided in Section
35 8 of this Ordinance, then the Planned Use District Category imposed by this Ordinance shall be

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1 deemed null and void and of no further force and effect, and the overlay land use category shall
2 ministerially be removed from the Future Land Use Map, and the underlying land use shall be
3 “Agriculture”.

4 **Section 5.** The City Manager is authorized and directed to make the necessary changes in
5 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
6 portion thereof in order to comply with this ordinance.

7 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
8 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
9 finding shall not affect the other provisions or applications of the ordinance which can be given
10 effect without the invalid or unconstitutional provisions or application, and to this end the
11 provisions of this ordinance are declared severable.

12 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
13 such conflict hereby repealed.

14 **Section 8.** This ordinance shall become effective immediately upon passage on second
15 reading; however, the effective date of this plan amendment shall be the date a final order is issued
16 by the Department of Community Affairs finding the amendment to be in compliance in accordance
17 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission

CODE: Words underlined are additions.

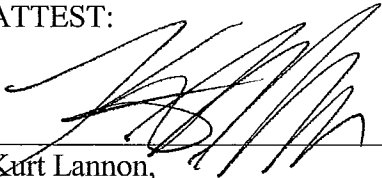
1 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

2 **PASSED AND ADOPTED** this 26th day of January, 2009.

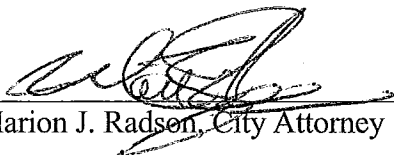
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Pegeen Hanrahan, Mayor

ATTEST:


Kurt Lannon,
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:


Marion J. Radson, City Attorney **JAN 27 2009**

This ordinance passed on first reading this 9th day of June, 2008.

This ordinance passed on second reading this 26th day of January, 2009.

CODE: Words underlined are additions.