

MEMORANDUM

Office of the City Attorney

TO: Mayor and City Commission

DATE: November 14, 2005
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-17; Petition 79CPA-04 PB
An ordinance of the City of Gainesville, Florida, amending the Concurrency Management Element of the City of Gainesville 2000-2010 Comprehensive Plan; adding Zone C to the Transportation Concurrency Exception Area; adding policies for Zone C; amending other policies to update the Element; amending Capital Improvements Element and Future Land Use Elements to implement the TCEA expansion; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

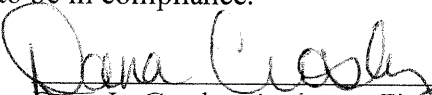
Recommendation: The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance, as amended.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

The State of Florida Department of Community Affairs issued a letter dated September 27, 2005, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

Subsequent to first reading, staff amended Policy 1.3.1 to enable, within TCEA Zone C, the build-to line to be modified on Archer Road, SW 34th Street, and Williston Road for purposes of right-of-way or utility constraints (see page 20). This modification will be consistent with requirements as described in the Special Area Plan for Central Corridors and received no objection from the Florida Department of Transportation or the Florida Department of Community Affairs.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by: 
Dana L. Crosby, Assistant City Attorney

Approved and Submitted by: 
Marion J. Radson, City Attorney



Rec'd
9/30/05
Comm. Devel. Dept.

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

THADDEUS L COHEN, AIA
Secretary

JEB BUSH
Governor

September 27, 2005

The Honorable Pogue Hanrahan
Mayor, City of Gainesville
P.O. Box 490, Station 19
Gainesville, FL 32601-0490

Dear Mayor Hanrahan:

The Department has conducted a preliminary review of the City of Gainesville proposed comprehensive plan amendments received on August 23, 2005, DCA Reference No. 05-2.

The Department has determined that the proposed plan amendments need not be formally reviewed for consistency with Chapter 163, Florida Statutes (F.S.), and Rule 9J-5, Florida Administrative Code (F.A.C.). In addition, the Department has not received any recommendation for review from the North Florida Regional Planning Council or any affected person regarding the proposed amendment.

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report will be waived. The local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

The proposed comprehensive plan amendment includes the creation of two new mixed-use future land use categories; the amendment indicates the distribution of uses for these categories will be provided in the City's Land Development Code. Prior to adoption of this amendment the Department recommends the City include this information in the Comprehensive Plan.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.**

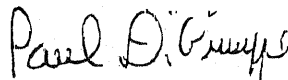
FROM : COMMUNITY DEVELOPMENT FAX NO. : 3523342282 SEP. 30 2005 10:04AM 13
The Honorable Pegeen Hanrahan
September 27, 2005
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In the event no names, addresses are provided, please provide this information as well. For efficiency, we encourage that the information sheet be provided in electronic format.

Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice pursuant to Chapter 163.3184(9), F.S.

This letter should be made available for public inspection. If you have any further questions, please contact Ana Richmond at 850-922-1794.

Sincerely,



Paul DiGiuseppe
Regional Planning Administrator

PD/ar

cc: Mr. Charles Justice, Executive Director, North Central Florida Regional Planning Council
Mr. Dean Mimms, AICP, Chief of Comprehensive Planning City of Gainesville

ORDINANCE NO. _____
0-05-17

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**An ordinance of the City of Gainesville, Florida, amending the
Concurrency Management Element of the City of Gainesville 2000-
2010 Comprehensive Plan; adding Zone C to the Transportation
Concurrency Exception Area; adding policies for Zone C; amending
other policies to update the Element; amending Capital Improvements
Element and Future Land Use Elements to implement the TCEA
expansion; providing directions to the city manager; providing a
severability clause; providing a repealing clause; and providing an
effective date.**

WHEREAS, the City Plan Board authorized the publication of notice of a Public
Hearing that the text of the City of Gainesville 2000-2010 Comprehensive Plan be
amended; and

WHEREAS, notice was given and publication made as required by law and a
Public Hearing was then held by the City Plan Board on December 2, 2004; and

WHEREAS, notice was given and publication was made as required by law of the
City Commission’s public hearing on this petition on January 24, 2005 and May 23, 2005;
and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by
10 inches long was placed in a newspaper of general circulation notifying the public of
this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in
the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the
day the first advertisement was published; and

WHEREAS, pursuant to law, after the public hearing at the transmittal stage the

1 City of Gainesville transmitted copies of this proposed change to the State Land Planning
2 Agency; and

3 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches
4 long was placed in the aforesaid newspaper notifying the public of the second Public
5 Hearing to be held at least 5 days after the day the second advertisement was published;
6 and

7 **WHEREAS**, the two Public Hearings were held pursuant to the published notices
8 described at which hearings the parties in interest and all others had an opportunity to be
9 and were, in fact, heard; and

10 **WHEREAS**, prior to adoption of this ordinance, the City Commission has
11 considered the comments, recommendation and objections, if any, of the State Land
12 Planning Agency.

13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
14 **OF THE CITY OF GAINESVILLE, FLORIDA:**

15 **Section 1.** The Concurrency Management Element Goals, Objectives and
16 Policies, City of Gainesville 2000-2010 Comprehensive Plan, is amended to read as
17 follows:

18 Goal 1

19 Establish a transportation concurrency exception area, which promotes and enhances:

20 a. urban redevelopment;

21 b. infill development;

- 1 c. a variety of transportation choices and opportunities including automotive, pedestrian,
- 2 bicycle and transit;
- 3 d. the City's economic viability;
- 4 e. desirable urban design and form;
- 5 f. a mix of residential and non-residential uses;
- 6 g. streetscaping/landscaping of roadways within the city; and,
- 7 h. pedestrian and bicyclist comfort, safety and convenience.

8 Objective 1.1

9 The City establishes the Gainesville Transportation Concurrency Exception Area (TCEA) with
10 sub-areas designated Zone A, ~~and B,~~ and C as shown in Map 1. The TCEA is further described
11 in the Legal Description shown in Exhibits A, B, ~~and C,~~ and D.

12 Policy 1.1.1

13 All land uses and development located within the Gainesville Transportation Concurrency
14 Exception Area (TCEA), except for Developments of Regional Impact (DRI), shall be excepted
15 from transportation concurrency for roadway level of service standards. An existing
16 Development of Regional Impact may qualify for a roadway level of service transportation
17 concurrency exception for redevelopment or additions to the DRI providing all the requirements
18 in Policy ~~1.1.9~~ 1.1.11 are met. Developments outside of the TCEA that impact roadways within
19 the TCEA shall be required to meet transportation concurrency standards.

20 Policy 1.1.2

21 Transportation concurrency exceptions granted within the TCEA shall not relieve development
22 from meeting the policy requirements set within this element to address transportation needs
23 within the TCEA, except as delineated within this element.

1 Policy 1.1.3

2 In order to promote redevelopment and infill in the eastern portion of the city and the area near
3 the University of Florida, Zone A is hereby established as a sub-area of the TCEA. Except as
4 shown in Policy 1.1.4, funding for multi-modal transportation modifications and needs in Zone A
5 shall be provided, to the maximum extent feasible, by the City, Community Redevelopment
6 Agency, federal or state governments, and other outside sources such as grant funds.
7 Transportation modifications, which are required due to traffic safety and/or operating conditions
8 and are unrelated to transportation concurrency shall be provided by the developer.

9 Policy 1.1.4

10 Within Zone A, development or redevelopment shall provide the following:

- 11 a. Sidewalk connections from the development to existing and planned public sidewalk
12 along the development frontage;
- 13 b. Cross-access connections/easements or joint driveways, where available and
14 economically feasible;
- 15 c. Deeding of land or conveyance of required easements along the property frontage to the
16 City, as needed, for the construction of public sidewalks, bus turn-out facilities and/or
17 bus shelters. Such deeding or conveyance of required easements, or a portion of same,
18 shall not be required if it would render the property unusable for development. A Transit
19 Facility License Agreement (executed by the property owner and the City) for the
20 placement of a bus shelter and related facilities on private property may be used in lieu
21 of deeding or conveyance of easements if agreeable to the City. The License term shall
22 be for a minimum of 10 years.

1 d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly
2 wide curb cuts at the development site, as defined in the Access Management portion of
3 the Land Development Code.

4 e. Provide safe and convenient on-site pedestrian circulation such as sidewalks and
5 crosswalks connecting buildings and parking areas at the development site.

6 Transportation modifications which are required due to traffic safety and/or operating conditions
7 and which are unrelated to transportation concurrency shall be provided by the developer.

8 Policy 1.1.5

9 Within Zone B or C, new development or redevelopment shall provide all of the items listed in
10 Policy 1.1.4 a. through e. and meet required policy standards, as specified in Policy 1.1.6 or 1.1.7
11 (as relevant to the Zone), to address transportation needs within the TCEA. Transportation
12 modifications which are required due to traffic safety and/or operating conditions and which are
13 unrelated to transportation concurrency shall be provided by the developer and any such items
14 provided shall not count towards meeting required standards in Policy 1.1.6 or 1.1.7 (whichever
15 is relevant to the Zone).

16 Policy 1.1.6

17 Within Zone B, development or redevelopment shall be required to meet the following
18 development standards, provided at developer expense, based on the development's (including
19 all phases) trip generation and proportional impact on roadway facilities. The developer may
20 sign a development agreement or contract with the City of Gainesville for the provision of these
21 standards. The choice of standards shall be subject to the final approval of the City during the
22 plan approval process. The standards chosen shall relate to the particular site and transportation
23 conditions where the development is located. The developer may choose to provide one or more

1 standards off-site with the City's approval. In recognition of the varying costs associated with
2 the standards, the City shall have the discretion to count some individual standards, based on cost
3 estimates provided by the developer and verified by the City, as meeting two or more standards.
4

1

Net, new average daily trip generation	Number of standards which must be met
Less than 50	At least one standard
50 to less than 100	At least two standards
100 to 400	At least three standards
400 to 999	At least five standards
Greater than 1,000 trips but less than 5,000 trips	At least eight standards
Greater than 5,000 trips	At least twelve standards and meet a. or b. below: a. Be on an existing transit route b. Provide funding for a new transit route.

2

- 3 a. Intersection and/or signalization modifications to improve level of service roadway
 4 operation and safety and address congestion management. This may include, but is not
 5 limited to: signal timing studies, fiber optic inter-connection for traffic signals,
 6 roundabouts, OPTICOM signal preemption, and/or implementation of elements of the
 7 Gainesville Traffic Signalization Master Plan Update. Implementation of the Master

- 1 Plan includes installation of Intelligent Transportation System (ITS) features such as
2 state of the art traffic signal controllers, dynamic message signs, and traffic monitoring
3 cameras designed to maximize the efficiency of the roadway network by reducing
4 congestion and delay.
- 5 b. Addition of dedicated turn lanes into and out of the development.
- 6 c. Construction of bus shelters built to City specifications or bus shelter lighting using solar
7 technology designed and constructed to City specifications.
- 8 d. Construction of bus turn-out facilities.
- 9 e. Provision of bus pass programs provided to residents and/or employees of the
10 development. The bus passes must be negotiated as part of a contract with the Regional
11 Transit System.
- 12 f. Payments to the Regional Transit System, which either increase service frequency or add
13 additional bus service.
- 14 g. Construction of public sidewalks ~~along all street frontages~~, where they are not currently
15 existing. Sidewalk construction required to meet Land Development Code requirements
16 along property frontages shall not count as meeting TCEA standards.
- 17 h. Widening of existing public sidewalks to increase pedestrian mobility and safety.
- 18 i. Deeding of land for the addition and construction of bicycle lanes: or construction of
19 bicycle lanes to City specifications.
- 20 j. Provision of ride sharing or van pooling programs.
- 21 k. Use of joint driveways or cross-access to reduce curb cuts.
- 22 l. Provision of park and ride facilities.

- 1 m. Funding of streetscaping/landscaping (including pedestrian-scale lighting, where
2 relevant) on public rights-of-way or medians, as coordinated with the implementation of
3 the City's streetscaping plans.
- 4 n. Business operations that can be proved to have limited or no peak hour roadway impact.
- 5 o. Provision of shading through awnings or canopies over public sidewalk areas to promote
6 pedestrian traffic and provide protection from the weather so that walking is encouraged.
7 The awning or canopy shall provide pedestrian shading for a significant length of the
8 public sidewalk in front of the proposed or existing building.
- 9 p. Provision of additional bicycle parking over the minimum required by the Land
10 Development Code. Additional bicycle parking may be used to substitute for the
11 required motorized vehicle parking.
- 12 q. In order to increase the attractiveness of the streetscape and reduce visual clutter along
13 roadways, which promotes a more walkable environment, provision of no ground-
14 mounted signage at the site for parcels with 100 linear feet or less of property frontage.
15 ~~Or, ground-mounted signage with a maximum of 8 feet in height and 32 square feet in~~
16 ~~sign area for all parcels with more than 100 feet of linear frontage.~~ Or, removal of non-
17 conforming signage or billboards at the site. Signage must meet all other regulations in
18 the Land Development Code.
- 19 r. Enhancements to the City's greenway system (as shown in the Transportation Mobility
20 Map Series) which increase its utility as a multi-modal transportation route. Such
21 enhancements may include, but not be limited to: 1.) trail amenities such as benches,
22 directional signage, or safety systems; 2.) bicycle parking at entry points or connecting
23 with transit lines; 3.) land acquisition for expansion or better connectivity of the

- 1 greenway system; 4.) additional entry points to the greenway system; 5.) bridges
2 spanning creeks or wetland areas; and/or, 6.) appropriate trail surfacing.
- 3 s. Participation in a transportation demand management program that provides funding or
4 incentives for transportation modes other than single occupant vehicle. Such demand
5 management programs shall provide annual reports of operations to the City indicating
6 successes in reducing single occupant vehicle trips.
- 7 t. Clustering of and design of the development for maximum density, or maximum FAR, at
8 the site which preserves open space, reduces the need for development of vacant lands,
9 enhances multi-modal opportunities and provides transit-oriented densities or intensities.
- 10 u. Construction of new road facilities which provide alternate routes to reduce congestion.
- 11 v. Addition of lanes on existing road facilities, where acceptable to the City and/or MTPO,
12 as relevant.
- 13 w. An innovative transportation-related modification or standard submitted by the
14 developer, where acceptable to and approved by the City.

15 Policy 1.1.7

16 Within Zone C, development or redevelopment shall be required to meet the following
17 development standards, provided at developer expense, based on the development's (including
18 all phases) trip generation and proportional impact on roadway facilities. The developer may
19 sign an agreement with the City of Gainesville for the provision of these standards. The choice
20 of standards shall be subject to the final approval of the City during the plan approval process.
21 The standards chosen shall relate to the particular transportation conditions and priorities in Zone
22 C or adjacent areas. In recognition of the varying costs associated with the standards, the City

1 shall have the discretion to count some individual standards, based on cost estimates provided by
 2 the developer and verified by the City, as meeting two or more standards.

3

<u>Net, new average daily trip generation</u>	<u>Number of standards which must be</u> <u>met</u>
<u>Less than 50</u>	<u>At least one standard</u>
<u>50 to less than 100</u>	<u>At least 3 standards</u>
<u>100 to 400</u>	<u>At least 4.5 standards</u>
<u>400 to 999</u>	<u>At least 7.5 standards</u>
<u>Greater than 1,000 trips but less than</u> <u>5,000 trips</u>	<u>At least 12 standards</u>
<u>Greater than 5,000 trips</u>	<u>At least 18 standards and meet a. or b.</u> <u>below:</u> <u>a. Be on an existing transit route</u> <u>b. Provide funding for a new transit</u> <u>route.</u>

4

5 a. Roadway projects to: provide a more interconnected transportation network in the area,
 6 provide alternate routes to reduce congestion, and reduce pressure on arterials. These
 7 projects include, but are not limited to the following projects, and may include projects