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ORDINANCE NO. _____
0-06-76

An ordinance of the City of Gainesville, Florida, amending the "Airport facility district (AF)" regulations and requirements; amending section 30-76 of the Land Development Code by adopting a list of uses permitted by right and related development requirements; adopting limitations and conditions on development on the Airport; providing revised requirements for rezonings and the airport facility zoning map; providing requirements for a Development of Regional Impact; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, 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 June 15, 2006; and

WHEREAS, the City Commission heard and approved this petition on July 24, 2006; 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 and of the public hearing to be held in the City Commission Meeting Room First Floor, City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was published; and

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

1 **WHEREAS**, the Public Hearings were held pursuant to the published notice
2 described at which hearings the parties in interest and all others had an opportunity to be
3 and were, in fact, heard.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
5 **OF THE CITY OF GAINESVILLE, FLORIDA:**

6 **Section 1.** Section 30-76, City of Gainesville Land Development Code, is
7 amended to read as follows:

8 Sec. 30-76. Airport facility district (AF).

9 (a) *Purpose.* The AF district is established for the purpose of assuring the proper
10 and safe operation of the Gainesville Regional Airport, to protect the public investment in
11 the airport, and to protect and promote the public utility of the airport. Recognizing the
12 unique conditions pertaining to the airport, this district provides a means of balancing
13 conformance to applicable state and federal regulations with local concerns.

14 (b) *Objectives.* The provisions of this district are intended to:

15 (1) Ensure public health, safety and welfare by adherence to all applicable local,
16 state and federal standards and regulations.

17 (2) Protect the public investment through development plan review, where
18 applicable, to accommodate efficient and harmonious use of the facility.

19 (3) Be consistent with the City of Gainesville's comprehensive plan and be
20 compatible with surrounding land uses through adoption and implementation
21 of the airport facility zoning map. Orient airport development decisions
22 toward the realization of community development objectives.

1 (c) *Uses permitted by right.* The specific uses permitted within the Airport
 2 Development Area of this district are listed below, subject to the limitations as further
 3 provided in this section: ~~shall be designated on an airport layout zoning map which shall be~~
 4 ~~adopted and amended by ordinance.~~

<u>SIC</u>	<u>Uses</u>	<u>Conditions</u>
	<u>Public lands</u>	<u>Designated for open space or conservation</u>
	<u>Wireless communications facilities</u>	<u>In accordance with Article VI</u>
<u>GN-372</u>	<u>Aircraft and parts</u>	
<u>GN-381</u>	<u>Search, detection, navigation, guidance, aeronautical and nautical systems, instruments, and equipment</u>	
<u>MG-41</u>	<u>Local and suburban transit and interurban highway passenger transportation</u>	
<u>MG-42</u>	<u>Motor freight transportation and warehousing</u>	
<u>MG-45</u>	<u>Transportation by air</u>	
<u>MG-47</u>	<u>Transportation services</u>	
<u>MG-48</u>	<u>Communications</u>	
<u>IN-5088</u>	<u>Transportation equipment and supplies, except motor vehicles</u>	
<u>IN-5172</u>	<u>Petroleum and petroleum products wholesalers, except bulk stations and terminals</u>	
<u>MG-58</u>	<u>Eating and drinking places</u>	
<u>MG-59</u>	<u>Miscellaneous retail</u>	
<u>GN-701</u>	<u>Hotels and motels</u>	
<u>MG-73</u>	<u>Business services</u>	
<u>GN-751</u>	<u>Automotive rental and leasing, without drivers</u>	
<u>GN-752</u>	<u>Automobile parking</u>	
<u>GN-753</u>	<u>Automotive repair shops</u>	
<u>IN 7992</u>	<u>Public golf courses</u>	
<u>IN-7997</u>	<u>Membership sports and recreation clubs</u>	
<u>MG-80</u>	<u>Health services</u>	
<u>GN-824</u>	<u>Vocational schools</u>	
<u>GN-829</u>	<u>Schools and educational services, not elsewhere classified</u>	

1 of the airport and necessary to protect the health, safety and general
2 welfare of the flying public and surrounding properties.

3 b. The petition shall be initially reviewed by the authority. The review of the
4 authority shall be primarily in the context of: the relationship of the
5 proposed rezoning to the adopted airport master plan, the relationship and
6 effect of the proposed rezoning to or on any existing land use on the
7 airport, and the impact of the proposed rezoning on the airport. After such
8 review, which shall be made within 60 days of the filing of the application
9 for rezoning, the authority shall submit a written recommendation to the
10 city plan board which shall become a permanent part of the public record.
11 The application shall then continue to be processed as any other zoning
12 map amendment petition under the procedures set forth in ~~section 30-6 et~~
13 ~~seq~~ this Land Development Code. If a written recommendation is not made
14 within the time provided, then the city plan board may act on the
15 application.

- 16 c. The airport facility zoning map shall include, at a minimum, the following:
- 17 1. Scale, date, north arrow and general location map showing the
18 boundaries of the area for rezoning;
 - 19 2. ~~Existing or proposed principal or accessory buildings and approximate~~
20 ~~square footage;~~
 - 21 3. ~~Within the site and 300 feet of the surrounding area, the location of all~~
22 ~~existing or proposed runways, taxiways and aprons; and~~

- 1 4. ~~All areas proposed for exemption from the parking and/or landscaping~~
 2 ~~requirements.~~
- 3 2. Within the site and within 300 feet of the surrounding area, the location
 4 of all existing or proposed runways; and
- 5 3. All areas proposed for exemption from the parking and/or landscaping
 6 requirements.
- 7 4. The airport development area, airfield infrastructure area, and non-
 8 development area designated as sub-areas. Limitations on the types of
 9 development, infrastructure or facility that may occur within these sub-
 10 areas are provided in paragraph (3) below:
- 11 d. Amendments to the approved and adopted airport facility zoning layout
 12 map shall be processed in the same manner as an application for rezoning.

13 (3) Sub areas.

14 a. Airport Development Area:

Airport Uses	Existing Development	Proposed Development	SIC Classification	Defined Uses
<u>Passenger terminal</u>	<u>54,000 sq. ft.</u>	<u>200,000 sq. ft.</u>	<u>MG-41</u> <u>MG - 45</u> <u>MG-48</u> <u>GN -752</u>	<u>Local suburban and interurban highway passenger transportation</u> <u>Transportation by air</u> <u>Communications</u> <u>Automobile parking</u>
<u>Air Cargo</u>	<u>2,000 sq. ft.</u>	<u>150,000 sq. ft.</u>	<u>MG - 45</u>	<u>Transportation by air</u>
<u>Air Traffic Control Tower</u>	<u>3,000 sq. ft.</u>	<u>15,000 sq. ft.</u>	<u>MG - 45</u>	<u>Transportation by air</u>

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<u>Rental Car Service Center</u>	<u>1,500 sq. ft.</u>	<u>40,000 sq. ft.</u>	<u>GN- 751</u> <u>GN - 752</u> <u>GN - 753</u>	<u>Automotive rental and leasing, without drivers</u> <u>Automobile parking</u> <u>Automotive repair shops</u>
<u>Airport Maintenance</u>	<u>10,000 sq. ft.</u>	<u>40,000 sq. ft.</u>	<u>MG - 45</u>	<u>Transportation by air</u>
<u>Aircraft Hangars</u>	<u>250,000 sq. ft.</u>	<u>700,000 sq. ft.</u>	<u>GN - 372</u> <u>MG - 45</u>	<u>Aircraft and parts</u> <u>Transportation by air</u>
<u>Fuel Storage</u>	<u>80,000 gallons</u>	<u>350,000 gallons</u>	<u>IN - 5172</u>	<u>Petroleum and petroleum products wholesalers, except bulk stations and terminals</u>
<u>Aviation Related</u>	<u>85,000 sq. ft.</u>	<u>325,000 sq. ft.</u>	<u>MG - 45</u> <u>MG - 47</u> <u>GN - 824</u> <u>GN - 829</u> <u>IN - 9224</u>	<u>Transportation by air</u> <u>Transportation services</u> <u>Vocational schools</u> <u>Schools and educational services, not elsewhere classified</u> <u>Fire protection</u>

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<u>Misc. Development</u>	<u>1,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>IN – 7997</u> <u>IN – 7992</u> <u>Wireless communications facilities</u> <u>Public Lands</u> <u>GN - 381</u>	<u>Memberships sports and recreation clubs</u> <u>Public golf courses</u> <u>In accordance with Article VI</u> <u>Public lands designated for open space or conservation</u> <u>Search, detection, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment</u>
<u>Revenue Support (Office Development)</u>	<u>N/A</u>	<u>100,000 sq. ft.</u>	<u>Div. H</u> <u>MG - 73</u> <u>MG - 80</u> <u>MG - 87</u>	<u>Finance, insurance and real estate (excluding cemetery subdividers and developers)</u> <u>Business services</u> <u>Health services</u> <u>Engineering, accounting, research, management, and related services</u>
<u>Revenue Support (Retail, Service and Wholesale Development)</u>	<u>N/A</u>	<u>100,000 sq. ft.</u>	<u>MG – 58</u> <u>MG – 59</u>	<u>Eating and drinking places</u> <u>Miscellaneous retail</u>
<u>Revenue Support (Limited Industrial)</u>	<u>N/A</u>	<u>50 acres</u>	<u>MG – 42</u>	<u>Motor freight transportation and warehousing</u>
<u>Revenue Support (Hotel)</u>	<u>N/A</u>	<u>100 Rooms</u>	<u>GN – 701</u>	<u>Hotels and motels</u>

<u>For all Airport Uses, See NOTE</u>			<u>NOTE: Any accessory use customarily and clearly incidental to any permitted principal use is a permitted use.</u>	
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Conditions for Airport Development Area:

1. The Airport Development Area summarizes vertical development only and does not include pavement or other similar horizontal accessory infrastructure.
2. All development shall be built in general conformance with the adopted airport facility zoning map and the uses permitted in subsection (c) "Uses permitted by right" above.
3. Aviation-related is defined as a use or development that supports aviation activity. Typical buildings and uses include fixed based operators, flight training schools, NAVAID structures, corporate flight departments, airport rescue and firefighting (ARFF) buildings, electrical vaults, FAA operated buildings, and similar related uses.
4. Revenue support includes developments with long-term leases with the airport that help generate revenue to support the continued operations of the Airport. Some typical uses include hotels/motels, office, limited industrial and retail development.

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b. Airfield Infrastructure Area:

Development within the airfield infrastructure area means development, such as NAVAIDS, equipment shelters, pavements and other related items that support aviation operations.

c. Non-Development Area:

Non-development area means internal access roads, fencing, storm water management, NAVAIDS, and other security related items necessary to support aviation operations.

~~(2)(4)~~ *Development plan approval.* Development plan approval in accord with Article VII shall be required for all development, except that the authority shall review any preliminary ~~or final~~ development plans within the ~~airport facilities~~ "AF" districts, excluding wireless communications facilities which, in accord with Article VI, are subject to review and approval by the Development Review Board or by the City Plan Board. Wireless communications facilities used exclusively for aeronautical purposes to serve the Airport are subject to preliminary development plan approval by the authority. The authority shall specify any objections to the preliminary development plans that are subject to review by the Development Review Board or City Plan Board as provided herein, development plan and may make recommendations for modifications. In addition to the requirements of Article VII, the authority shall also review the development plan in the context of: the relationship and effect of the proposed development plan to or on the adopted airport master plan; the relationship and

1 effect of the proposed development plan to or on any standard, rule, regulation
 2 or applicable contractual agreements on the airport; and the impact of the
 3 proposed use on the airport. Upon completion of its review of a preliminary
 4 development plan, the authority shall either: ~~approve, approve with~~
 5 ~~modifications, deny, or take any other action deemed appropriate.~~

6 a. Find that all requirements have been met and issue a preliminary
 7 development order complying with Section 30-165, pertaining to contents
 8 of preliminary development orders; or

9 b. Find that all requirements can be met with reasonable modifications which
 10 the developer proffers at the hearing and issue a preliminary development
 11 order complying with Section 30-165, pertaining to contents of preliminary
 12 development orders; or

13 c. Refuse to issue a preliminary development order because the plan as
 14 presented fails to meet the requirements of this chapter, the comprehensive
 15 plan, or other federal, state or regional laws and regulations as applicable.

16 ~~(3)(5)~~Parking. Any development within the AF district shall comply with the parking
 17 requirements as set forth in Article IX, except, in development plan review, if the
 18 authority finds that the necessity or desirability of such parking is inappropriate
 19 due to the unique nature of the proposed use or the location upon the airport, it
 20 may waive or modify the off-street parking requirements. ~~Additionally, the city-~~
 21 ~~commission may expressly exempt areas within the AF district from these-~~
 22 ~~requirements at the time of rezoning, upon a finding that the parking-~~

1 requirements of Article IX would not serve the best interest of the flying public
2 or would constitute a safety hazard. The areas exempt from the parking
3 requirements shall be clearly shown on the airport layout zoning map and on any
4 approved development plan.

5 (4)(6) *Landscaping*. Any development within the AF district shall comply with the
6 landscaping requirements as set forth in Article VIII, except, in development
7 plan review, if the authority finds that such landscaping is in conflict with Federal
8 Aviation Administration safety requirements, it may waive or modify the
9 landscaping requirements. Additionally, the city commission may exempt areas
10 within the AF district from these requirements at the time of rezoning, upon a
11 finding that provision for landscaping or certain other requirements of Article
12 VIII would not serve the best interest of the flying public or where landscaping
13 would constitute a safety hazard. The areas exempt from the landscaping
14 requirements shall be clearly shown on the airport layout zoning map and on any
15 approved development plan.

16 (5)(7) *Signs*. The sign requirements shall be complied with as set forth in comply with
17 Article IX of this Code.

18 (6)(8) *Flood control*. Prior to the issuance of a building permit in the AF district, the
19 provisions of the flood control district, Article VIII, shall be complied with
20 where applicable.

21 (f) Development of Regional Impact. This section does not permit or allow any
22 development within the Airport Development Area that exceeds the thresholds of a

1 development of regional impact (DRI) as defined in Chapter 380, Florida Statutes, unless
2 application is made to local, regional, or/and state agencies for development that would
3 exceed DRI thresholds. All future applications for development plan approval at the
4 Gainesville Regional Airport shall include a statement by the Airport Authority,
5 accompanied by supporting documentation that the proposed development either does or
6 does not exceed any threshold that requires the proposed development to undergo DRI
7 review.

8 If any proposed airport runway or airport runway extension, or any proposed
9 development at Gainesville Regional Airport exceeds DRI thresholds as defined in Chapter
10 380, Florida Statutes, the Airport Authority may either submit an Application for
11 Development Approval (ADA) of a DRI, or, submit an amendment to the City's
12 comprehensive plan that, pursuant to F.S. 163.3177(3)(k), would allow for the
13 development or the expansion of the airport consistent with the adopted airport master
14 plan that would be incorporated into the local comprehensive plan in compliance with F.S.
15 163.3177(3)(k), and not be a development of regional impact.

16 **Section 2.** It is the intention of the City Commission that the provisions of Section
17 1 of this ordinance shall become and be made a part of the Code of Ordinances of the City
18 of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be
19 renumbered or relettered in order to accomplish such intentions.

20 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be
21 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
22 in no way affect the validity of the remaining portions of this ordinance.

1 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the
2 extent of such conflict hereby repealed.

3 **Section 5.** This ordinance shall become effective immediately upon final adoption.

4 **PASSED AND ADOPTED** this ____ day of _____, 2007.

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PEGEEN HANRAHAN, MAYOR

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ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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This Ordinance passed on first reading this ____ day of _____, 2007.

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This Ordinance passed on second reading this ____ day of _____, 2007.

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