

ORDINANCE NO. 100602

1 An ordinance of the City of Gainesville, Florida, amending the
 2 Land Development Code of the City of Gainesville; amending
 3 Section 30-76, (AF: Airport facility district); by adding and
 4 removing certain permitted uses; by adding conditions to
 5 certain uses, as more specifically set forth in this ordinance; by
 6 amending certain uses, and amending restrictions on certain
 7 uses in the Airport Development Area, Airfield Infrastructure
 8 Area, and the Non-development Area, as more specifically set
 9 forth in this ordinance; providing directions to the codifier;
 10 providing a severability clause; providing a repealing clause;
 11 and providing an immediate effective date.
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15 **WHEREAS**, publication of notice of a public hearing was given that the text of the Land
 16 Development Code of the City of Gainesville, Florida, be amended; and

17 **WHEREAS**, notice was given and publication made as required by law and a public
 18 hearing was then held by the City Plan Board on December 6, 2010; and

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

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

26 **WHEREAS**, public hearings were held pursuant to the published notices described above
 27 at which hearings the parties in interest and all others had an opportunity to be and were, in fact,
 28 heard.
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1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
2 **CITY OF GAINESVILLE, FLORIDA:**

3 **Section 1.** Section 30-76 of the Land Development Code of the City of Gainesville,
4 Florida, is amended to read as follows:

5 **Sec. 30-76. Airport facility district (AF).**

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

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

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

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

16 **(3)** Be consistent with the city's comprehensive plan and be compatible with surrounding land
17 uses through adoption and implementation of the airport facility zoning map.

18 **(c) Uses permitted by right.** The specific uses permitted within the airport development area
19 of this district are listed below, subject to the limitations as further provided in this section and
20 subject to the limitations and requirements of Appendix F, Airport Hazard Zoning Regulations, as
21 applicable:

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SIC	Uses	Conditions
	Public lands	Designated for open space or conservation
	Wireless communications facilities	In accordance with article VI
<u>MG-36</u>	<u>Electronic and other electrical equipment and components, except computer equipment</u>	
GN-372	Aircraft and parts	
GN-381	Search, detection, navigation, guidance, aeronautical and nautical systems, instruments, and equipment	
<u>MG-38</u>	<u>Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks</u>	
<u>MG-39</u>	<u>Miscellaneous manufacturing industries</u>	
MG-41	Local and suburban transit and interurban highway passenger transportation	
<u>MG-43</u>	<u>United States Postal Service</u>	
MG-42	Motor freight transportation and warehousing	
MG-45	Transportation by air	
MG-47	Transportation services	
MG-48	Communications	
IN-5088	Transportation equipment and supplies, except motor vehicles	
IN-5172	Petroleum and petroleum products wholesalers, except bulk stations and terminals	
MG-58	Eating and drinking places	
<u>GN-554</u>	<u>Gasoline service stations</u>	<u>In accordance with Article VI</u>
MG-59	Miscellaneous retail	
GN-701	Hotels and motels	
MG-73	Business services	
GN-751	Automotive rental and leasing, without drivers	
GN-752	Automobile parking	
GN-753	Automotive repair shops	
IN 7992	Public golf courses	
IN-7997	Membership sports and recreation clubs	
MG-80	Health services	

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GN-824	Vocational schools	
GN-829	Schools and educational services, not elsewhere classified	
MG-87	Engineering, accounting, research, management, and related services	
IN-9224	Fire protection	
Div-H	Finance, insurance and real estate (excluding cemetery subdividers and developers)	
Div-J	Public administration	
	Places of religious assembly	In accordance with article VI
	<u>Solar generation station, as defined in Sec. 30-23</u>	<u>In accordance with article VI</u>
	<u>Pet boarding</u>	<u>Only within enclosed buildings</u>
	<u>Corporate offices, as defined in Sec. 30-23</u>	

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2 (d) *Dimensional requirements.* All principal and accessory structures shall be located and
 3 constructed with the following requirements:

4 Minimum building setbacks:

- 5 (1) Front: 25 feet from property line to structure
- 6 (2) Side: To meet FAA and airport operational requirements
- 7 (3) Rear: To meet FAA and airport operational requirements

8 (e) *Additional requirements.*

9 (1) *Airport facility zoning map.* The airport facility zoning map shall be adopted and
 10 amended by ordinance.

11 (2) *Rezoning.*

12 a. Applications for rezoning to the "AF" district shall be accompanied by an airport
 13 facility zoning map as described herein, which shall become and be made a part of

1 the ordinance rezoning the property. Additionally, the Gainesville-Alachua County
2 Regional Airport Authority (the authority), or city commission may require a
3 development plan to be included as part of any petition to rezone property to this
4 classification provided the authority, or city commission, find that such a plan is
5 essential to the orderly development of the airport and necessary to protect the
6 health, safety and general welfare of the flying public and surrounding properties.

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

18 **c.** The airport facility zoning map shall include, at a minimum, the following:
19 1. Scale, date, north arrow and general location map showing the boundaries of
20 the area for rezoning;
21 2. Within the site and within 300 feet of the surrounding area, the location of all
22 existing or proposed runways; and

- 3. All areas proposed for exemption from the parking and/or landscaping requirements.
- 4. The airport development area, airfield infrastructure area, and non-development area designated as sub-areas. Limitations on the types of development, infrastructure or facility that may occur within these sub-areas are provided in subsection (3) below:
 - d. Amendments to the approved and adopted airport facility zoning map shall be processed in the same manner as an application for rezoning.

(3) Sub areas.

a. Airport development area:

Airport Uses	Existing Development	Proposed Development	SIC Classification	Defined Uses
Passenger terminal	54,000 sq. ft.	200,000 sq. ft.	MG-41	Local suburban and interurban highway passenger transportation
			MG – 45	Transportation by air
			MG-48	Communications
			GN - 752	Automobile parking
Air Cargo	2,000 sq. ft.	150,000 sq. ft.	MG – 45	Transportation by air
Air Traffic Control Tower	3,000 sq. ft.	15,000 sq. ft.	MG - 45	Transportation by air
Rental Car Service Center	4,500 sq. ft. 1,900 sq. ft.	40,000 sq. ft.	GN - 751	Automotive rental and leasing, without drivers
			GN – 752	Automobile parking
			GN – 753	Automotive repair shops

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Airport Maintenance	10,000 sq. ft.	40,000 sq. ft.	MG - 45	Transportation by air
Aircraft Hangars	250,000 sq. ft. <u>303,000 sq. ft.</u>	700,000 sq. ft.	GN - 372	Aircraft and parts
			MG - 45	Transportation by air
Fuel Storage	80,000 gallons	350,000 gallons	IN - 5172	Petroleum and petroleum products wholesalers, except bulk stations and terminals
Aviation Related	85,000 sq. ft.	325,000 sq. ft.	MG - 45	Transportation by air
			MG - 47	Transportation services
			GN - 824	Vocational schools
			GN - 829	Schools and educational services, not elsewhere classified
			IN - 9224	Fire protection
Misc. Development	1,000 sq. ft.	10,000 sq. ft.	IN - 7997	Memberships sports and recreation clubs
			IN - 7992	Public golf courses
			Wireless communications facilities	In accordance with Article VI
			Public Lands	Public lands designated for open space or conservation
			GN - 381	Search, detection, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment
Revenue Support (Office Development)	N/A	100,000 sq. ft. <u>200,000 sq. ft.</u>	Div. H	Finance, insurance and real estate (excluding cemetery subdividers and developers)
			MG - 73	Business services
			MG - 80	Health services
			MG - 87	Engineering, accounting, research, management, and related services
				<u>Corporate offices, as defined in Sec. 30-23</u>

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Revenue Support (Retail, Service and Wholesale Development)	N/A	100,000 sq. ft. <u>200,000 sq. ft.</u>	MG – 58 <u>GN-554</u>	Eating and drinking places <u>Gasoline service stations, in accordance with Article VI.</u> <u>Pet boarding, only within enclosed buildings</u>
			MG – 59	Miscellaneous retail
Revenue Support (Limited Industrial)	N/A	50 acres <u>150 acres</u>	MG – 42 <u>MG - 36</u>	Motor freight transportation and warehousing <u>Electronic and other electrical equipment and components, except computer equipment</u>
			<u>MG - 38</u>	<u>Measuring, analyzing, and controlling instruments;</u> <u>photographic, medical and optical goods; watches and clocks</u>
			<u>MG - 39</u>	<u>Miscellaneous manufacturing industries</u>
			<u>MG - 87</u>	<u>Engineering, accounting, research, management, and related services</u>
Revenue Support (Hotel)	N/A	100 Rooms <u>200 Rooms</u>	GN – 701	Hotels and motels
<u>Solar generation station, as defined in Sec. 30-23</u>		<u>150 acres</u>		<u>In accordance with Article VI</u>
For all Airport Uses, See NOTE			NOTE: Any accessory use customarily and clearly incidental to any permitted principal use is a permitted use.	

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1 *Conditions for airport development area:*

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

16 **b.** *Airfield infrastructure area:* Development within the airfield infrastructure area
17 means development, such as NAVAIDS, equipment shelters, pavements and other
18 related items that support aviation operations. Solar generation station, as defined
19 in Sec. 30-23, and in accordance with Article VI, is a permitted use in this area.

20 **c.** *Non-development area:* Non-development area means internal access roads,
21 fencing, storm water management, NAVAIDS, and other security related items

1 necessary to support aviation operations. Solar generation station, as defined in
2 Sec. 30-23, and in accordance with Article VI, is a permitted use in this area.

3 (4) *Development plan approval.* Development plan approval in accord with article VII shall
4 be required for all development, except that the authority shall review any preliminary
5 development plans within the "AF" district, excluding wireless communications facilities
6 which, in accord with article VI, are subject to review and approval by the development
7 review board or by the city plan board. Wireless communications facilities used
8 exclusively for aeronautical purposes to serve the airport are subject to preliminary
9 development plan approval by the authority. The authority shall specify any objections to
10 the preliminary development plans that are subject to review by the development review
11 board or city plan board as provided herein, and may make recommendations for
12 modifications. In addition to the requirements of article VII, the authority shall also
13 review the development plan in the context of: the relationship and effect of the proposed
14 development plan to or on the adopted airport master plan; the relationship and effect of
15 the proposed development plan to or on any standard, rule, regulation or applicable
16 contractual agreements on the airport; and the impact of the proposed use on the airport.
17 Upon completion of its review of a preliminary development plan, the authority shall
18 either:

- 19 a. Find that all requirements have been met and issue a preliminary development
20 order complying with section 30-165, pertaining to contents of preliminary
21 development orders; or

1 **b.** Find that all requirements can be met with reasonable modifications which the
2 developer proffers at the hearing and issue a preliminary development order
3 complying with section 30-165, pertaining to contents of preliminary development
4 orders; or

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

8 **(5) *Parking.*** Any development within the AF district shall comply with the parking
9 requirements as set forth in article IX, except, in development plan review, if the authority
10 finds that the necessity or desirability of such parking is inappropriate due to the unique
11 nature of the proposed use or the location upon the airport, it may waive or modify the
12 off-street parking requirements.

13 **(6) *Landscaping.*** Any development within the AF district shall comply with the landscaping
14 requirements as set forth in article VIII, except, in development plan review, if the
15 authority finds that such landscaping is in conflict with Federal Aviation Administration
16 safety requirements, it may waive or modify the landscaping requirements.

17 **(7) *Signs.*** The sign requirements shall comply with article IX of this Code.

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

20 **(f) *Development of regional impact.*** This section does not permit or allow any development
21 within the airport development area that exceeds the thresholds of a development of regional

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

7 If any proposed airport runway or airport runway extension, or any proposed development at
8 Gainesville Regional Airport exceeds DRI thresholds as defined in F.S. Ch. 380, the airport
9 authority may either submit an application for development approval (ADA) of a DRI, or, submit
10 an amendment to the city's comprehensive plan that, pursuant to F.S. § 163.3177(3)(k), would
11 allow for the development or the expansion of the airport consistent with the adopted airport
12 master plan that would be incorporated into the local comprehensive plan in compliance with F.S.
13 § 163.3177(3)(k), and not be a development of regional impact.

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

18 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
19 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
20 finding shall not affect the other provisions or applications of the ordinance which can be given
21 effect without the invalid or unconstitutional provisions or application, and to this end the
22 provisions of this ordinance are declared severable.

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

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

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5 PASSED AND ADOPTED this ____ day of _____, 2011.

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8 _____
9 CRAIG LOWE
10 MAYOR

11 ATTEST:

Approved as to form and legality

12
13
14 _____
15 KURT M. LANNON
16 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

17
18 This Ordinance passed on first reading this ____ day of _____, 2011.

19
20 This Ordinance passed on second reading this ____ day of _____, 2011.