

ORDINANCE NO. 110246

An ordinance amending the City of Gainesville Comprehensive Plan; by amending the Conservation, Open Space & Groundwater Recharge Element Policies 1.1.1, 1.1.1.b, 1.1.1.b.2, 1.1.1.b.3, 1.1.1.b.4, 1.1.1.b.11, 1.1.1.c, 1.1.1.f, Objective 2.4, and Policies 2.4.1, 2.4.2, 2.4.11, and 2.4.12; by amending the Future Land Use Element Policies 3.1.1, and 3.1.2; by creating and adding a Policy 3.2.4 to the Future Land Use Element; by deleting the Uplands map and replacing it with a Strategic Ecosystems map in the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series; 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 was given that the Conservation, Open Space & Groundwater Recharge Element, the Future Land Use Element and the Future Land Use Map Series of the City of Gainesville Comprehensive Plan be amended, as more specifically described in this ordinance; 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 July 28, 2011; 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 seven (7) days after the day the first advertisement was published; and

WHEREAS, pursuant to law, after the public hearing at the transmittal stage the City of Gainesville transmitted copies of this proposed change to the Reviewing Agencies and any other local government unit or state agency that requested same; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches

1 long was placed in the aforesaid newspaper notifying the public of the second public hearing  
2 to be held at the adoption stage least five (5) days after the day the second advertisement was  
3 published; and

4 **WHEREAS**, the public hearings were held pursuant to the published notices  
5 described above at which hearings the parties in interest and all others had an opportunity to  
6 be and were, in fact, heard; and

7 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered  
8 the written comments, if any were received, concerning this plan amendment.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
10 **THE CITY OF GAINESVILLE, FLORIDA:**

11 **Section 1.** Policies 1.1.1, 1.1.1.b, 1.1.1.b.2, 1.1.1.b.3, 1.1.1.b.4, 1.1.1.b.11, 1.1.1.c,  
12 1.1.1.f, of the Conservation, Open Space & Groundwater Recharge Element of the City of  
13 Gainesville Comprehensive Plan are amended as stated below. Except as amended herein,  
14 Objective 1.1 and its Policies remain in full force and effect.

15 Objective 1.1 Upon adoption of this Plan, the City shall protect all significant environmental  
16 lands and resources identified in the Environmentally Significant Land and  
17 Resources map series within the Future Land Use Map Series. The City shall  
18 continue to identify environmentally significant open space and recreation  
19 sites for acquisition.

20  
21 Policy 1.1.1 At a minimum the following standards and guidelines shall be used to protect  
22 environmentally sensitive resources identified in the Environmentally  
23 Significant Land and Resources map series within the Future Land Use Map  
24 Series: or in the Geographic Information System (GIS) Map Library located on  
25 the City's Planning and Development Services Department web site. The  
26 Future Land Use Element Environmentally Significant Land and Resources  
27 map series shall be updated from time to time to reflect the most current  
28 information in the GIS Map Library. In the periods between comprehensive  
29 plan updates, the GIS Map Library shall be the reference source. The City

1 shall develop and adopt land development regulations that establish criteria for  
2 expansion of the minimum standards addressed below.

3  
4 a. Creeks: Between 35 and 150 feet from the break in slope at the top of  
5 the bank, there is a rebuttable presumption that development is  
6 detrimental to the regulated creek. Development must conform to  
7 applicable provisions of the land development regulations which  
8 prohibit development within a minimum of 35 feet of the break in  
9 slope at the top of the bank of any regulated creek.

10  
11 b. Wetlands: Developments containing wetlands must avoid loss of  
12 function or degradation of wetland habitat and/or wetland hydrology as  
13 the highest priority. Where impact is unavoidable, Degradation or  
14 loss of function ~~that is unavoidable~~ shall be minimized, and the  
15 applicant must demonstrate that the project is clearly in the public  
16 interest, ~~with final administrative approval by the city commission on~~  
17 ~~appeal, if necessary.~~ The City shall develop and implement land  
18 development regulations that at a minimum:

- 19  
20 1. Establish criteria that are at least consistent with the relevant  
21 criteria of Section 373.414(1), F.S. for determining whether the  
22 project is clearly in the public interest.
- 23  
24 2. ~~Establish mitigation ratios for wetland preservation,~~  
25 ~~enhancement, restoration and creation. The mitigation ratios~~  
26 ~~shall be at least 5:1 (acreage of mitigation area to impacted~~  
27 ~~area) for impacts to natural wetlands or wetlands created as part~~  
28 ~~of a mitigation project; and shall be at least 1:1 for impacts to~~  
29 ~~created wetlands (e.g., livestock watering ponds, borrow pits,~~  
30 ~~drainage ditches, etc.) that were not created as part of a~~  
31 ~~mitigation project. Should there be irreconcilable differences~~  
32 ~~between the mitigation required by the City and that required~~  
33 ~~by the state (water management district or FDEP), then the~~  
34 ~~mitigation requirements of the state will prevail where there are~~  
35 ~~irreconcilable differences. Requires the use of the most current~~  
36 functional assessment methodology that is in use by regulatory  
37 agencies in Florida for determining mitigation requirements for  
38 impacts to wetlands.
- 39  
40 3. Specifies W~~wetland~~ creation is ~~presumed to be the least~~  
41 desirable as a mitigation strategy that shall be considered only  
42 after substantial evidence, based on the functional assessment  
43 referenced in Policy 1.1.1.b.2., indicates that the preservation,

1 enhancement, or restoration of existing wetlands is less  
2 desirable or effective as an option.  
3

- 4 4. Establish bonding, long-term monitoring and enforceable long-  
5 term maintenance requirements for wetland mitigation projects  
6 to ensure that all the negative impacts have been mitigated.  
7 Monitoring reports shall ~~should~~ be reviewed by the ~~Alachua~~  
8 ~~County Environmental Protection Department, the appropriate~~  
9 ~~water management district, the University of Florida, City of~~  
10 Gainesville or other appropriate monitoring agency or  
11 reviewing entity to ensure that mitigation criteria are met, with  
12 regulatory fees paid by the permitted applicant. The mitigation  
13 plan must be approved prior to the approval and initiation of  
14 the project.  
15
- 16 5. Require off-site mitigation to be performed within the same  
17 sub-basin and basin (the basins are depicted on the map entitled  
18 Wetland Mitigation Basins that is on file with the Community  
19 Development Department and is in the Data & Analysis section  
20 of this comprehensive plan element) in which the impact  
21 occurred, unless it is shown that mitigation outside the sub-  
22 basin is more appropriate. The order of preference for the  
23 location of the mitigated area(s) in relation to the impacted  
24 areas will be established in the land development regulations  
25 (LDRs).  
26
- 27 6. Require that development shall not cause hydrological or  
28 wetland impacts off-site;  
29
- 30 7. A minimum buffer distance of 35 ft. and an average buffer  
31 distance of 50 feet shall be required between the landward  
32 extent of any wetland or surface water and the developed area.  
33 Larger buffers may be warranted. The criteria for buffer  
34 expansion will be developed in the land development  
35 regulations;  
36
- 37 8. Specify that the protections for wetlands shall be extended to  
38 all wetlands delineated in accordance with Section 62- 340,  
39 F.A.C., regardless of whether they are currently mapped by the  
40 City of Gainesville;  
41
- 42 9. Require review and approval of wetland mitigation projects by  
43 qualified professionals.  
44



10. Outstanding Florida Waters, as listed in Section 62-302.700, F.A.C., shall have a minimum buffer of 200 feet. The City shall develop and implement land development regulations that establish appropriate setbacks for wetlands containing listed plant or animal species. Where these distance requirements preclude all economic development of a parcel, exceptions can be made upon approval by a majority of the city commission and with appropriate mitigation of wetland loss.

11. Wetlands damaged as a result of noncompliance or unauthorized activity on or subsequent to the effective date of this policy shall, at the owner's expense, either be restored to their original function and condition prior to such damage, ~~at the owner's expense~~ or mitigated for, pursuant to the mitigation requirements of the comprehensive plan ~~element~~ or the Land Development Code.

c. Lakes: Developments containing or adjacent to a natural lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be ~~prohibited~~ discouraged and other alternatives considered. Development shall be prohibited within 75 feet of the landward extent of a lake.

d. Wellfields: Development must be consistent with Policies 2.3.2 and 2.3.3 of this Element.

e. Major Natural Groundwater Recharge Areas: Development within this area must be consistent with Policies 2.3.3 and 2.3.5 of this Element.

f. ~~Upland Areas: Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed on up to the maximum of 75% of the parcel.~~ Natural and Archaeological Resource Areas: Developments within or including an upland area identified as a significant natural community, listed species habitat, strategic ecosystem, significant geological resource feature, or an archaeological resource must submit a resource inventory and assessment for the parcel. Based on the inventory and any required verification of the extent of the resource area, land development regulations shall provide for the set-aside of identified resource areas for conservation and resource protection.

**Section 2.** Objective 2.4 and its Policies 2.4.1, 2.4.2, 2.4.11, and 2.4.12 of the

1 Conservation, Open Space & Groundwater Recharge Element of the City of Gainesville  
2 Comprehensive Plan, are amended as stated below. Except as amended herein, the remainder  
3 of Objective 2.4 and its Policies remain in full force and effect.

4 Objective 2.4 The City shall amend its land development regulations as necessary to  
5 conserve ~~environmentally significant~~ natural systems of surface waters  
6 and wetlands; major natural groundwater recharge areas subject to high  
7 rates of Floridan aquifer recharge; threatened or endangered or listed  
8 (or candidates for being listed) species of plants, and animals; and  
9 habitats significant natural communities, and other significant natural  
10 and archaeological resource areas, including strategic ecosystems and  
11 significant geological resource features; and prevent minimize the  
12 spread of invasive vegetation. The adopted regulations shall be  
13 designed to maintain viable populations of these existing plant and  
14 animal species these natural characteristics and resources, and the  
15 functions and values which they provide, and allow development  
16 activities which are compatible with the conservation of these resource  
17 areas as identified environmentally significant lands and resources. in  
18 the Comprehensive Plan or by provisions of the Land Development  
19 Code. (See Environmentally Significant Land and Resources map  
20 series within the Future Land Use Map Series).

21  
22 Policy 2.4.1 The City shall maintain an updated inventory of identified  
23 environmentally significant resources in the Geographic Information  
24 System (GIS) Map Library located on the City's Planning and  
25 Development Services Department web site or identified in the  
26 Environmentally Significant Land and Resources map series within the  
27 Future Land Use Map Series. If additional resources are identified or  
28 as annexations occur, these properties shall be subject to regulations  
29 keyed to the resource present at the site. The Future Land Use Map  
30 Series shall be amended to include these properties. In the periods  
31 between comprehensive plan updates, the GIS Map Library shall be  
32 the reference source.

33  
34 Policy 2.4.2 The City shall adopt land development regulations that protect  
35 ~~identified threatened or endangered or listed~~ species of (or candidates  
36 for being listed) plants, and animals, or habitats. significant natural  
37 communities, significant geologic resource features, and strategic  
38 ecosystems as based on areas identified and described in the  
39 KBN/Golder Associates Report, "Alachua County Ecological  
40 Inventory Project" (1996). These environmentally significant areas  
41 shall be defined in the Land Development Code. These regulations

1 shall require that applications for developments ~~of~~ on parcels within  
2 the environmentally significant areas ~~to~~ shall include ~~submit~~ an  
3 ecological inventory of the parcel: that meets requirements specified in  
4 the Land Development Code.  
5

6 Policy 2.4.3 The City shall continue to have guidelines for the design of stormwater  
7 basins that require the use of native vegetation and basin slopes  
8 suitable for stormwater treatment that promote highly diverse plant and  
9 animal habitats, particularly within stream-to-sink basins, and that  
10 enhance the hydrological and ecological functions of related wetland  
11 areas.  
12

13 Policy 2.4.4 Future road alignments shall minimize their impact on environmentally  
14 significant animal habitats.  
15

16 Policy 2.4.5 The City shall continue to require construction design consistent with  
17 existing terrain by discouraging contouring, cut and fill, or other  
18 practices where they might be shown to cause soil erosion.  
19

20 Policy 2.4.6 The City shall continue to have land development regulations for  
21 environmentally significant wetlands, lakes and regulated creeks that  
22 require:  
23

- 24 a. Setbacks from regulated creeks, lakes and wetlands;
- 25
- 26 b. Prohibition of development that would cause erosion and  
27 sediment pollution to regulated creeks, lakes and wetlands;
- 28
- 29 c. No net increase in the rate of runoff from development sites  
30 adjacent to regulated creeks, lakes and wetlands;
- 31
- 32 d. Retention or detention of the first inch of runoff of  
33 developments adjacent to regulated creeks, lakes and wetlands,  
34 through on-site filtration;
- 35
- 36 e. Retention of vegetation integral to the ecological value of  
37 regulated creeks, lakes and wetlands;
- 38
- 39 f. Compliance with the City's adopted criteria for controlling  
40 sediment and erosion;
- 41
- 42 g. Allowance of a transfer of development intensity and density  
43 from lower to higher elevations of a site; and  
44

1 h. Prohibition on the installation of all septic tanks.

2  
3 Policy 2.4.7

The City shall periodically conduct an inventory of environmentally significant plants, animals, and habitats within at least two city-owned parks or open space parcels; prepare a list of plants, animals, and habitats to protect; and prepare a plan for the maintenance of viable populations of these plants and animals.

8  
9 Policy 2.4.8

Chemical control efforts by the City to manage pest species shall only include use of chemicals that are safe for wildlife and public health. Chemical control will be used only when non-chemical controls do not abate the pest problem.

13  
14 Policy 2.4.9

The City shall coordinate with Alachua County, FDEP and the Water Management Districts to conserve environmentally significant plant communities by submitting relevant land development proposals for review to the Alachua County Environmental Protection Department, the applicable Water Management District, and FDEP for comment and recommendation.

20  
21 Policy 2.4.10

The City shall protect floodplains through existing land development regulations that at a minimum:

- 23  
24 a. Prohibit development within the flood channel or floodplain  
25 without a City permit;  
26  
27 b. Prohibit filling in the flood channel by junk, trash, garbage, or  
28 offal;  
29  
30 c. Prohibit permanent structures in the flood channel, except for  
31 those necessary for flood control, streets, bridges, sanitary  
32 sewer lift stations, and utility lines;  
33  
34 d. Prohibit the storage of buoyant, flammable, explosive, toxic or  
35 otherwise potentially harmful materials in the flood channel;  
36  
37 e. Prohibit development within the floodplain that would reduce  
38 the capacity of the floodplain;  
39  
40 f. Prohibit development that would cause or create harmful soil  
41 erosion, stagnant water, and irreversible harmful impacts on  
42 existing flora and fauna;  
43

g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and parking areas; and

h. Limit floodplain uses to launching areas for boats and structures at least one foot above the 100-year flood elevation, in addition to those allowed in the flood channel.

Policy 2.4.11

The City's land development regulations shall protect environmentally significant lands and resources by:

~~a. Controlling permissible uses through regulatory overlay districts;~~

~~a. b.~~ Providing opportunities for alternative and innovative site development;

~~b. e.~~ Providing setback and parking standards;

~~c. d.~~ Providing mandatory mitigation to ensure no net loss of acreage and functions and values when wetlands are unavoidably lost;

~~d. e.~~ Allowing for, or requiring the clustering of development away from environmentally significant resources; ~~and~~

~~e. f.~~ Restricting on-site waste disposal systems; and,

f. Allowing transfer of land use density and/or intensity to retain development potential from set-aside areas that are required to meet the goals, policies and regulations of this element and the Land Development Code.

Policy 2.4.12

At a minimum, conservation strategies for significant natural communities, listed species habitats, and strategic ecosystem resources shall include:

a. ~~Required e~~ Conservation of native upland natural resources of uplands, including areas of significant natural communities, listed species habitats, significant geological resources features and strategic ecosystem resource areas, through set-aside, management, and buffering requirements.

b. Installation of native vegetation landscaping and removal of invasive trees and shrubs; and

c. Setbacks.

**Section 3.** Policies 3.1.1 and 3.1.2 of the Future Land Use Element of the City of

Gainesville Comprehensive Plan are amended as stated below.

Policy 3.1.1

~~At a minimum the following s~~ Standards and guidelines established in Conservation, Open Space, and Groundwater Recharge Element Objective 1.1 and its Policies shall be used to protect environmentally sensitive resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use ~~m~~Map ~~s~~Series or in the Geographic Information System (GIS) Map Library located on the City's Planning and Development Services Department web site. ~~The City shall develop and adopt land development regulations that establish criteria for expansion of the minimum standards addressed below.~~ The Future Land Use Element Environmentally Significant Land and Resources map series shall be updated from time to time to reflect the most current information in the GIS Map Library. In the periods between comprehensive plan updates, the GIS Map Library shall be the reference source.

a. ~~Creeks: Between 35 and 150 from the break in slope at the top of the bank, there is a rebuttable presumption that development is detrimental to the regulated creek. Development must conform to applicable provisions of the land development regulations which prohibit development within a minimum of 35 feet of the break in slope at the top of the bank of any regulated creek.~~

b. ~~Wetlands: Developments containing wetlands must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority.~~

c. ~~Lakes: Developments containing or adjacent to a natural lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be prohibited. Development shall be prohibited within 75 feet of the landward extent of a lake.~~

d. ~~Wellfields: Developments must be consistent with Policy 2.3.2 of the Conservation, Open Space and Groundwater Recharge Element.~~

e. ~~Major Natural Groundwater Recharge Areas: Developments within this area must be consistent with Policies 2.3.3 and 2.3.5 of the Conservation, Open Space and Groundwater Recharge Element.~~

f. ~~Upland Areas: Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed on up to the maximum of 75 percent of the parcel.~~

Policy 3.1.2 The City shall regulate development in Floridan high aquifer high recharge areas that, at a minimum, meet the standards and guidelines of the St. Johns River or Suwannee River Water Management Districts as applicable and Policies 2.3.5 and 2.3.6 of the Conservation, Open Space and Groundwater Recharge Element.

**Section 4.** Policy 3.2.4 is created and added to the Future Land Use Element of the City of Gainesville Comprehensive Plan as stated below.

Policy 3.2.4 The City shall include protection of archaeological resources in its land development regulations.

**Section 5.** The Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series is amended as stated below. Except as amended herein, the remainder of the Environmentally Significant Land and Resources Map Series remains in full force and effect.

The Uplands Map attached as Exhibit "A" to this ordinance is removed from the Comprehensive Plan and is replaced with the Strategic Ecosystems Map attached to this ordinance as Exhibit "B".

**Section 6.** It is the intent of the City Commission that the provisions of Sections 1 through 5 shall become and be made a part of the City of Gainesville Comprehensive Plan and that the sections and paragraphs of this ordinance may be renumbered in order to accomplish such intentions.



1           **Section 7.** The City Manager is authorized and directed to make the necessary  
2 changes in the text, maps and other data in the City of Gainesville Comprehensive Plan, or  
3 element, or portion thereof in order to fully implement this ordinance.

4           **Section 8.** Within 10 days of the transmittal (first) hearing, the City Manager is  
5 authorized and directed to transmit a comprehensive plan amendment package, including this  
6 ordinance, to the Reviewing Agencies and to any other local government unit or state agency  
7 that has filed a written request for same with the City. Within 10 days of the adoption (second)  
8 hearing, the City Manager is authorized and directed to transmit a comprehensive plan  
9 amendment package, including this ordinance, to the State Land Planning Agency and to any  
10 other Reviewing Agency, local government unit or state agency that filed written comments  
11 with the City.

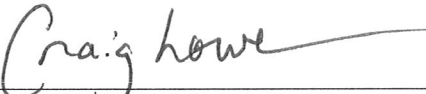
12           **Section 9.** If any word, phrase, clause, paragraph, section or provision of this  
13 ordinance or the application hereof to any person or circumstance is held invalid or  
14 unconstitutional, such finding shall not affect the other provisions or applications of the  
15 ordinance which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

17           **Section 10.** All ordinances or parts of ordinances in conflict herewith are to the  
18 extent of such conflict hereby repealed.

19           **Section 11.** This ordinance shall become effective immediately upon passage on  
20 second reading; however, the effective date of this plan amendment, if the amendment is not  
21 timely challenged, shall be 31 days after the state land planning agency notifies the City that the  
22 plan amendment package is complete in accordance with Chapter 163.3184, F.S. If timely

1 challenged, this amendment shall become effective on the date the State Land Planning Agency  
2 or the Administration Commission enters a final order determining this adopted amendment to  
3 be in compliance in accordance with Chapter 163.3184, F.S. No development orders,  
4 development permits, or land uses dependent on this amendment may be issued or  
5 commenced before this plan amendment has become effective.


6 **PASSED AND ADOPTED** this 5th day of January, 2012.

7  
8   
9  
10 \_\_\_\_\_  
11 CRAIG LOWE  
12 MAYOR  
13

14 ATTEST:

15   
16  
17 \_\_\_\_\_  
18 KURT M. LANNON  
19 CLERK OF THE COMMISSION  
20

APPROVED AS TO FORM AND LEGALITY

21   
22 \_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY  
JAN - 5 2012

21 This Ordinance passed on first reading this 20th day of October, 2011.

22 This Ordinance passed on second reading this 5th day of January, 2012.

# ENVIRONMENTALLY SIGNIFICANT LAND & RESOURCES

Uplands

Legend

Uplands

Gainesville City Limits

City of Gainesville  
Gainesville, Florida

Prepared by the  
Department of Community Development  
November 2000

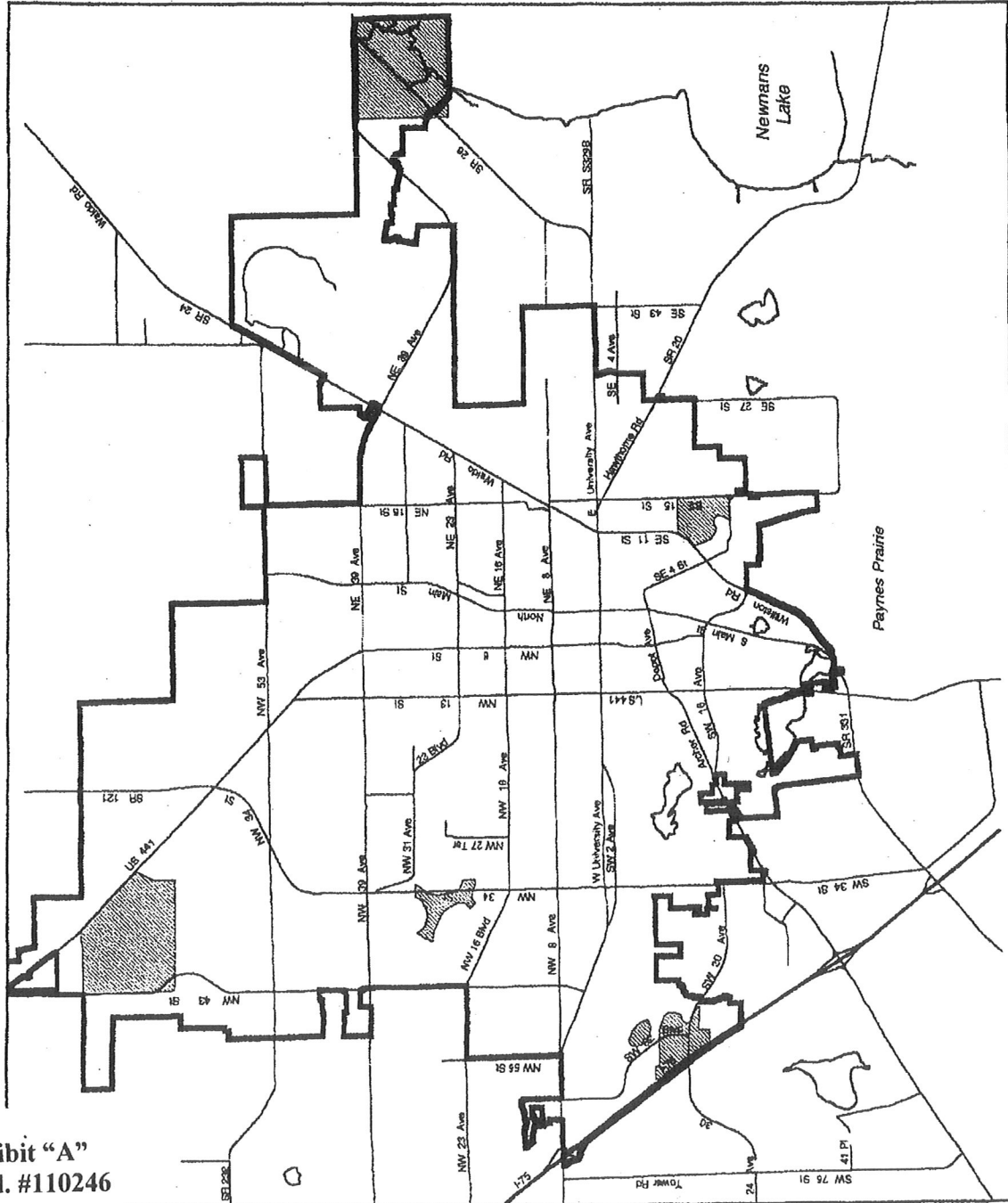
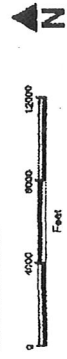


Exhibit "A"  
to Ord. #110246

# ENVIRONMENTALLY SIGNIFICANT LAND & RESOURCES

## Strategic Ecosystems

### Legend

Strategic Ecosystems: City Limits

Strategic Ecosystems: Urban Reserve

Gainesville City Limits

Designated Urban Reserve Area

City of Gainesville  
Gainesville, Florida

Prepared by Planning  
and Development Services  
July 2011



2 1 0 2 Miles

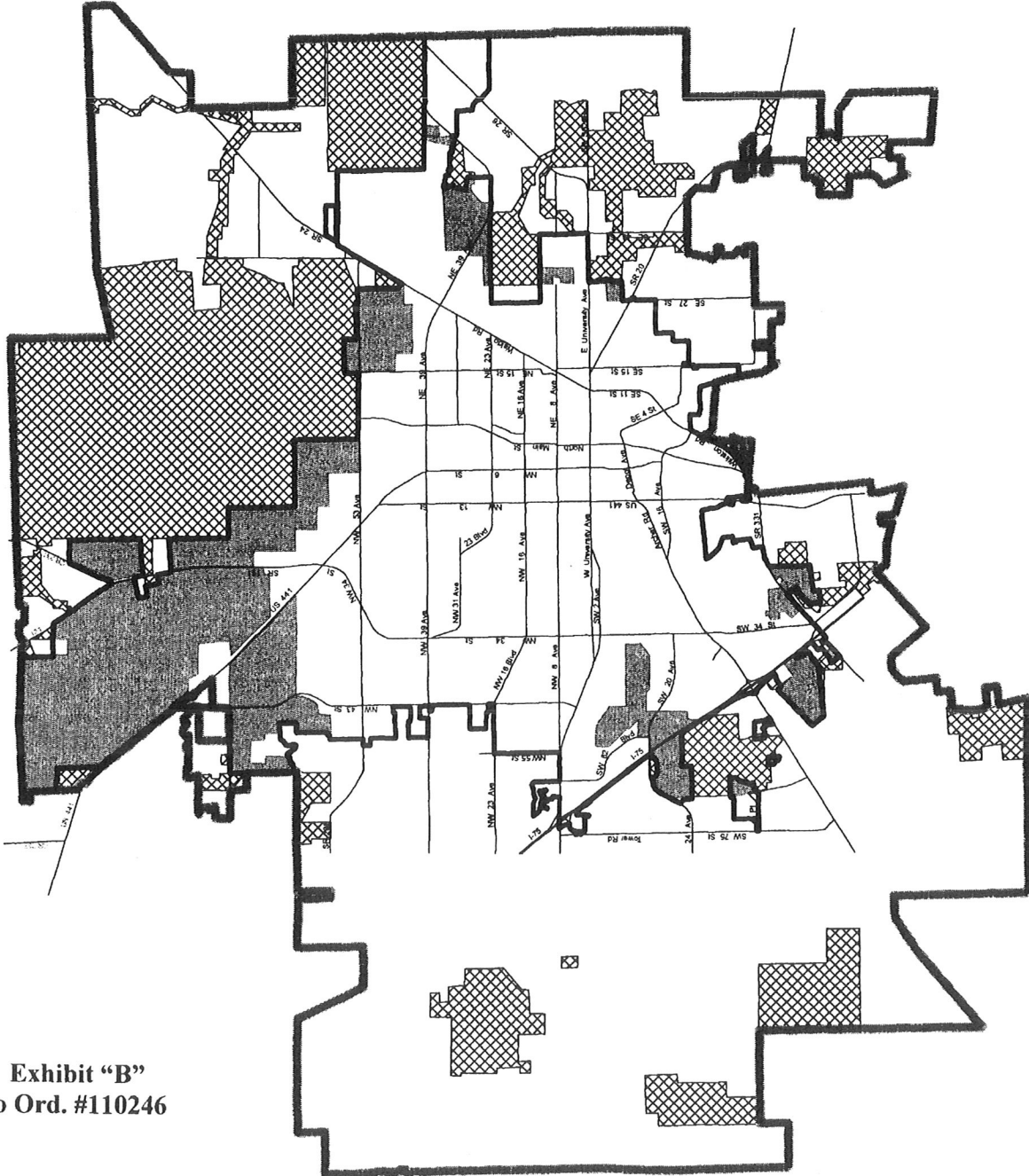


Exhibit "B"  
to Ord. #110246