

**Legislative #**

**140023A**

## ORDINANCE NO. 140023

1  
2 **An ordinance of the City of Gainesville, Florida, amending the Land**  
3 **Development Code regarding concurrency and transportation mobility for**  
4 **consistency with the Comprehensive Plan; by amending definitions in Section**  
5 **30-23; by amending the title of Article III; by amending concurrency**  
6 **management provisions in Article III, Division 2; by repealing and deleting**  
7 **in its entirety Article III, Division 3 regarding proportionate fair-share; by**  
8 **repealing and deleting in its entirety Article III, Division 4 regarding the**  
9 **State Mandated Transportation Concurrency Exception Area (TCEA); by**  
10 **creating a new Article III, Division 3 regarding the Transportation Mobility**  
11 **Program (TMP); by amending excess parking requirements in Section 30-**  
12 **333; by amending provisions in Appendix A, Section 4 regarding the Special**  
13 **Area Plan for Traditional City Minimum Development Standards; by**  
14 **amending provisions in Appendix A, Section 5 regarding the Special Area**  
15 **Plan for Central Corridors Minimum Development Standards; providing**  
16 **directions to the codifier; providing a severability clause; providing a**  
17 **repealing clause; and providing an immediate effective date.**

18 **WHEREAS**, on August 15, 2013, the City Commission of the City of Gainesville  
19 adopted Ordinance No. 120370, which amended the City of Gainesville Comprehensive Plan  
20 pursuant to the periodic evaluation and appraisal process set forth in Section 163.3191, Florida  
21 Statutes, to comply with changes to Florida Statutes, address changes in local conditions, correct  
22 internal inconsistencies, and provide clarification to Comprehensive Plan objectives and policies;  
23 and

24 **WHEREAS**, the Comprehensive Plan amendments in Ordinance No. 120370, among  
25 other things, rescinded transportation concurrency by deleting the Concurrency Management  
26 Element and the Transportation Concurrency Exception Area (TCEA), and implemented an  
27 alternative system called the Transportation Mobility Program (TMP); and

28 **WHEREAS**, the Comprehensive Plan amendments in Ordinance No. 120370 became  
29 effective on October 12, 2013; and

1           **WHEREAS**, notice was given as required by law that the text of the Land Development  
2 Code of the City of Gainesville, Florida, be amended; and

3           **WHEREAS**, the amendments to the text of the Land Development Code as proposed  
4 herein are intended to bring the Land Development Code into consistency with the  
5 Comprehensive Plan; and

6           **WHEREAS**, on April 24, 2014, a public hearing was held by the City Plan Board, which  
7 acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it  
8 recommended to the City Commission approval of the proposed amendments to the Land  
9 Development Code; and

10           **WHEREAS**, at least ten (10) days' notice has been given once by publication in a  
11 newspaper of general circulation notifying the public of this proposed ordinance and of public  
12 hearings in the City Hall Auditorium located on the first floor of City Hall, in the City of  
13 Gainesville; and

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

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

18           **Section 1.** Section 30-23 of the City of Gainesville Land Development Code is amended  
19 as follows. Except as amended herein, the remainder of Section 30-23 remains in full force in  
20 effect.

21 **Sec. 30-23. Definitions.**

1 *Capital improvements element* means the ~~e~~Capital ~~i~~Improvements ~~e~~Element of the 1991-2001  
2 Comprehensive Plan as it may be amended from time to time.

3 *Comprehensive plan* ~~or comprehensive development plan~~ means the City of Gainesville 1991-  
4 2001 Comprehensive Plan adopted by the ~~e~~City ~~e~~Commission, ~~and all amendments thereto~~ as  
5 may be amended from time to time.

6 *De minimis development* means a development of such low intensity as to have a de minimis  
7 effect, if any, on the level of service standards adopted in the ~~e~~Comprehensive ~~p~~Plan. De  
8 minimis development includes one single-family dwelling or one two-family dwelling on a lot of  
9 record as of November 13, 1991, the effective date of adoption of this chapter. It also includes  
10 additions to or the erection of structures smaller than 200 square feet. De minimis development  
11 shall be eligible for a certificate of concurrency exemption. ~~For the purposes of traffic~~  
12 ~~circulation concurrency only, developments generating fewer than 20 peak hour, peak direction~~  
13 ~~trips shall be considered de minimis and thus exempt from the traffic circulation LOS standards.~~

14  
15 *Public facilities* means roads transportation facilities (including but not limited to roads, transit,  
16 sidewalks, and bicycle trails), sanitary sewer wastewater facilities, solid waste facilities,  
17 stormwater management facilities, potable water facilities, mass transit water supply facilities,  
18 public school facilities and ~~parks and~~ recreation facilities.

19  
20 **Section 2.** The title of Article III of the City of Gainesville Land Development Code is  
21 amended as follows.

22 **ARTICLE III. - VESTED RIGHTS REVIEW, CONCURRENCY MANAGEMENT,**  
23 **~~PROPORTIONATE FAIR SHARE AND STATE MANDATED TRANSPORTATION~~**  
24 **~~CONCURRENCY EXCEPTION AREA~~ TRANSPORTATION MOBILITY PROGRAM.**

25 **Section 3.** Article III, Division 2 of the City of Gainesville Land Development Code is  
26 amended as follows.

27 **DIVISION 2. - CONCURRENCY MANAGEMENT.**

28  
29 **Sec. 30-30. - Intent and purpose.**

30  
31 This division is intended to implement the City of Gainesville 1991-2001 Comprehensive Plan,  
32 as required by Section 163.3202, Florida Statutes, by ensuring that development approved by the  
33 city shall not result in a reduction of service below the ~~adopted~~ level of service (LOS) standards  
34 adopted contained in the Comprehensive Plan plan, ~~as required by F.S. § 163.3202(2)(g).~~ This  
35 intent is implemented by means of a concurrency management system ~~which~~ that shall measure  
36 the potential impact of development order(s) on the adopted level of service standards.

37 **Sec. 30-31. - Implementation of comprehensive plan.**



~~In order to~~ To implement the provisions of the Comprehensive Plan that require public facilities that meet the adopted LOS standards to be available concurrent with the impacts of development, plan requiring that adequate public facilities are available to handle the impacts of development, and maintain the city's adopted LOS standards concurrent with those impacts, the city establishes, pursuant to this division:

- (1) A concurrency management system ~~which~~ that enables the city to determine whether it is adhering to the adopted LOS standards and its ~~five~~5-year schedule of capital improvements; ~~and~~
- (2) A regulatory program that ensures each public facility is available to serve development concurrent with the impacts of development ~~on public facilities;~~ and
- (3) A Transportation Mobility Program (TMP) as an alternative to transportation concurrency. The TMP is an alternative mobility funding system that is not mobility fee-based.

**Sec. 30-32. - Concurrency management system.**

(a) *Generally.* In order to ensure that adequate public facilities are available concurrent with the impacts of development on public facilities, the city shall establish the following monitoring practices.

(b) *Annual report on facility capacity.* On an annual basis the planning and development services department shall issue a facility capacity report indicating the facility capacity status for each public facility having an adopted LOS standard. The extent of the remaining capacity available for each fiscal year shall be made available to the general public within 30 days of the start of each fiscal year. Gainesville Regional Utilities shall be responsible for determining the water supply and water and wastewater facility capacity status to be included in the facility capacity report. ~~as Capacity status shall be determined in accordance with Gainesville Regional Utilities' water/wastewater capacity policy.~~

- (1) Nothing herein shall preclude ~~the issuance and effectiveness of~~ amendments to the annual report if ~~updating or correction is deemed necessary for~~ to update or correct; errors in preparation; the impact of issued development orders or permits, ~~as monitored by the planning and development services department if such monitoring by the Planning and Development Services Department indicates~~ an unacceptable degradation to an adopted LOS standard; or changes in the status of capital improvement projects of the state or any local government ~~which~~ that changes the underlying assumption of the annual report.

1           (2) ~~Under no circumstances will a~~ An amended annual report shall not divest ~~these~~  
 2           rights acquired prior to the amended ~~annual statement report~~, except where a  
 3           divestiture of such rights is determined clearly established by the eCity  
 4           eCommission to be essential to the health, safety or welfare of the general public  
 5           and otherwise in accordance with law.

6  
 7           (c) *Annual eCapital iImprovements eElement update.* As provided in the Comprehensive  
 8           Plan plan, the eCapital iImprovements eElement shall be updated annually during the budget  
 9           review process. The annual report on facility capacity, prepared in conjunction with the budget  
 10          review process, shall include a forecast of the capacity of existing and planned capital  
 11          improvements identified in the ~~five~~5-year schedule of capital improvements. The forecast shall  
 12          be based on the most recently updated schedule of capital improvements for each public facility.  
 13          The pPlanning and dDevelopment sServices dDepartment shall also annually revise relevant  
 14          population projections, update public facility inventories, update unit costs, and update revenue  
 15          forecasts in cooperation with the eOffice of mManagement and bBudget, the fFinance  
 16          dDepartment and Gainesville Regional Utilities (GRU). The findings of the pPlanning and  
 17          dDevelopment sServices dDepartment shall be fully considered in preparing any proposed  
 18          amendments to the eCapital iImprovements eElement, any proposed amendments to the city  
 19          annual budget for public facilities, any proposed amendments to GRU's annual budget for public  
 20          facilities, and the review of and issuance of development orders during the next year.

21  
 22          (d) *Recommendations on amendments to the eCapital iImprovements eElement, city annual*  
 23          *budget and GRU annual budget.* Based upon the pPlanning and dDevelopment sServices  
 24          dDepartment report described above, the eCity mManager and gGeneral mManager of uUtilities  
 25          shall annually propose to the eCity eCommission any amendments to the eCapital  
 26          iImprovements eElement, the city's annual budget and the GRU annual budget for capital  
 27          improvements made necessary by circumstances described in the report.

28          **Sec. 30-33. - Mandatory and optional review of development orders.**

29          (a) *Generally.* It is the policy of the city that, ~~after the effective date of this chapter,~~ no  
 30          development order shall be issued unless adequate public facilities are available to serve the  
 31          project, ~~which is the subject of the development order,~~ at adopted LOS standards. The  
 32          responsibility for providing information to show compliance with the adopted LOS standards and  
 33          meeting concurrency requirements shall be upon the applicant. In order to ensure that adequate  
 34          public facilities are available concurrent with the impacts of development on each public facility,  
 35          the following procedures shall govern the issuance of development orders.

36  
 37          (b) *Exemptions.* Developments may be exempt from the concurrency requirements of this  
 38          chapter, either automatically based on the development meeting certain threshold criteria and

1 therefore requiring no concurrency review or certification, or subject to review and issuance of a  
 2 certificate of concurrency exemption as further provided in this chapter. Exemption can either  
 3 ~~be automatically exempt which require no concurrency review or certification, based on meeting~~  
 4 ~~certain threshold criteria; or, subject to review which require the issuance of a certificate of~~  
 5 ~~concurrency exemption as further provided in this chapter.~~

6 The following types of development fall below the threshold for any concurrency review and are  
 7 deemed automatically exempt:

- 8 (1) Building permits for single-family dwellings (including expansions and  
 9 remodeling) on lots of record ~~which~~ that existed on or before June 10, 1992.
- 10
- 11 (2) Building permits for two-family dwellings (including expansions and remodeling)  
 12 on lots of record ~~which~~ that existed on or before June 10, 1992.
- 13
- 14 (3) Developments ~~which~~ that meet the criteria for rapid review as provided in section  
 15 30-1595.
- 16
- 17 (4) Concept review of a development as specified in section 30-161(b)164.
- 18
- 19 (5) Zoning compliance permits with no associated change of use as defined in section  
 20 30-23.
- 21
- 22 (6) Lot splits.
- 23
- 24 (7) Building permits for the construction or reconstruction of single-family or two-  
 25 family dwellings ~~which~~ that previously have met ~~all of~~ the concurrency  
 26 requirements of this chapter.
- 27
- 28 (8) Changes to a new use allowed under the applicable zoning district ~~within an~~  
 29 ~~existing neighborhood shopping center, regional shopping center or shopping~~  
 30 ~~center~~ which that do not involve adding any new square footage and/or  
 31 impervious surface ~~to the existing shopping center.~~
- 32

33 All other development that is not specifically enumerated above shall be exempt from the  
 34 concurrency requirements of this chapter only upon ~~subject to review and require~~ the issuance of  
 35 a certificate of concurrency exemption.

36  
 37 (c) *Issuance of certificate of exemption.* Upon application ~~by an owner of~~ for a project ~~which~~  
 38 that is exempt pursuant to ~~the terms in~~ this section, the ~~director of the~~ Planning and



1 ~~d~~Development sServices ~~d~~Department Director, or his/her designee, shall issue a certificate of  
 2 concurrency exemption; using the procedures described below. There shall be no fee for a  
 3 certificate of concurrency exemption.

4  
 5 (d) *Mandatory certification of preliminary development orders.* Prior to the final approval of  
 6 a preliminary development order, as defined in this chapter, the owner/developer of a project  
 7 shall have obtained either a certificate of concurrency exemption, a certificate of preliminary  
 8 concurrency or a certificate of conditional concurrency reservation. Renewals of approvals for  
 9 preliminary development orders shall consider the implications for concurrency management.

10  
 11 (e) *Mandatory certification of final development orders.* Prior to the ~~final~~ approval of a final  
 12 development order, as defined in this chapter, the owner/developer of a project ~~must~~ shall  
 13 demonstrate that a valid and unexpired certificate of concurrency exemption, certificate of final  
 14 concurrency or certificate of conditional concurrency reservation exists for the project. ~~A valid~~  
 15 ~~and unexpired certificate of preliminary concurrency for a~~ A project under consideration for  
 16 ~~which is seeking approval of a final development order~~ that has a valid and unexpired certificate  
 17 of preliminary concurrency and that ~~and which~~ has not been amended in a fashion to change  
 18 densities and/or intensities of use shall be automatically granted a certificate of final  
 19 concurrency. Renewals of approvals for final development orders shall consider the implications  
 20 for concurrency management.

21  
 22 (f) *Succession.* As long as the original certificate of concurrency exemption, certificate of  
 23 preliminary concurrency, certificate of final concurrency or certificate of conditional  
 24 concurrency reservation remains valid and unexpired, it shall serve all subsequent development  
 25 permits for that specific project.

26  
 27 (g) *Optional review of projects.* Any person may submit an application for a concurrency  
 28 determination at any time ~~subject to the payment of the appropriate application fee as set out in~~  
 29 ~~Appendix A (Schedule of Fees, Rates and Charges).~~ A concurrency determination reserves no  
 30 capacity and is in no way binding on the city. Applications for a concurrency determination must  
 31 contain sufficient data on the project to prepare a concurrency determination.

32  
 33 (h) *Credit for redevelopment, reuse or demolition of existing structure.* If an applicant  
 34 proposes to redevelop, reuse or demolish a building or part of a building as part of the  
 35 redevelopment of a property and desires to receive public facility impact credits for that portion  
 36 of the property being redeveloped, reused or demolished in accordance with this section,  
 37 application shall be made and approved prior to such action. Construction must commence  
 38 ~~within one year after receiving a~~ the timeframe established in the final development order to  
 39 obtain the benefits of the credit. The applicant must provide sufficient information about the  
 40 previous use of the structure(s) so that credits can be calculated. Credits are not transferable to

1 any other site. In the case of reuse or redevelopment of a building, full credit shall be provided  
 2 for the existing square footage of the building even if a change of use occurs. However, any  
 3 additional square footage added to the building or development shall be subject to concurrency  
 4 and TMP review.

5  
 6 **Sec. 30-34. - Administrative procedures.**

7 (a) *Issuance and validity of certificates.*

8  
 9 (1) *Time of application.* An application for a certificate of concurrency exemption,  
 10 certificate of preliminary concurrency, certificate of final concurrency,  
 11 concurrency determination or certificate of conditional concurrency reservation  
 12 may be submitted at any time during the year.

13  
 14 (2) *Assignability and transferability.* A certificate of concurrency exemption,  
 15 certificate of preliminary concurrency or certificate of conditional concurrency  
 16 reservation shall run with the land as long as it is valid and unexpired, but shall  
 17 not be assignable to any other project.

18  
 19 (3) *Expiration and effect.* A certificate of concurrency exemption shall be valid for  
 20 one year. A certificate of preliminary concurrency and certificate of final  
 21 concurrency shall be valid for the time period that the appropriate development  
 22 order is valid and unexpired. If either a preliminary or final development order  
 23 does not have an expiration date, the certificate of preliminary concurrency or  
 24 certificate of final concurrency shall expire in one year. A certificate of  
 25 conditional concurrency reservation shall be valid for the time period reserved in  
 26 the certificate. A new application for a certificate of preliminary or final  
 27 concurrency must be submitted if the project does not continue in good faith. A  
 28 new fee will be assessed for the resubmittal of an application for a certificate of  
 29 preliminary or final concurrency.

30  
 31 (b) *Determination of exemption or capacity.*

32  
 33 (1) *Submission of application.* Applications for a concurrency determination,  
 34 certificate of concurrency exemption, certificate of preliminary concurrency,  
 35 certificate of final concurrency and certificate of conditional concurrency  
 36 reservation shall be available in the ~~p~~Planning and ~~d~~Development ~~s~~Services  
 37 ~~d~~Department. Fees for each type of application are set forth ~~out~~ in Appendix A  
 38 (Schedule of Fees, Rates and Charges). The application shall consist of such

1 information as needed by the ~~p~~Planning and ~~d~~Development ~~s~~Services  
2 ~~d~~Department to determine concurrency status.

3  
4 (2) *Incomplete applications.* ~~After receipt of an application, the~~ ~~p~~Planning and  
5 ~~d~~Development ~~s~~Services ~~d~~Department shall determine whether an application it is  
6 complete within five working days after the date the application was received ~~the~~  
7 ~~date of submission~~. If it is determined that the application is ~~not~~ incomplete,  
8 written notice ~~shall be mailed to the applicant~~ specifying the deficiencies shall be  
9 mailed to the applicant within five working days after the date the application was  
10 ~~received of submission~~. The applicant shall have 30 days to correct deficiencies  
11 on the application after which time a new application with updated information  
12 must be submitted and a new application fee will be incurred. The ~~p~~Planning and  
13 ~~d~~Development ~~s~~Services ~~development~~ ~~d~~Department shall take no further action  
14 on the application unless the deficiencies are remedied.

15  
16 (3) *Review and comment on applications.* Applications shall be reviewed ~~The review~~  
17 ~~of applications shall be completed~~ within 12 working days after the date an  
18 application has been received and deemed complete ~~determination of a complete~~  
19 ~~application form~~. The ~~p~~Planning and ~~d~~Development ~~s~~Services ~~d~~Department shall  
20 be responsible for coordinating application review with the following departments  
21 and agencies (as needed); under this article. ~~The following departments and~~  
22 ~~agencies shall coordinate (as needed) with the planning and development services~~  
23 ~~department in this process:~~

- 24  
25 a. Gainesville Regional Utilities.  
26  
27 b. Public ~~w~~Works ~~d~~Department.  
28  
29 c. ~~Traffic engineering department~~ Alachua County School Board (for  
30 residential developments).  
31  
32 d. ~~Recreation and parks division~~ Parks, Recreation and Cultural Affairs.  
33  
34 e. Regional ~~t~~Transit ~~s~~System.  
35  
36 f. Alachua County ~~p~~Public ~~w~~Works ~~d~~Department.  
37  
38 g. Any other departments, divisions or agencies as may be deemed necessary  
39 by the ~~p~~Planning and ~~d~~Development ~~s~~Services ~~d~~Department.  
40



1 These agencies, departments and divisions shall forward their determinations of  
 2 capacity to the ~~p~~Planning and ~~d~~Development ~~s~~Services ~~d~~Department, which shall  
 3 then. ~~The planning and development services department shall~~ be responsible for  
 4 compiling all the determinations of capacity into a report and issuing the relevant  
 5 certification or denial of certification.

6  
 7 (4) *Limitation of approval.* A concurrency determination, certificate of concurrency  
 8 exemption, certificate of preliminary concurrency, certificate of final concurrency  
 9 and a certificate of conditional concurrency reservation shall apply only to the  
 10 specific land uses, densities and intensities based on information provided in the  
 11 application; and, where applicable, the preliminary and final development orders.  
 12 All applicants, to the extent required by the ~~p~~Planning and ~~d~~Development  
 13 ~~s~~Services ~~d~~Department, shall submit such applications for entire projects, rather  
 14 than portions of projects, except in cases of phased developments.

15  
 16 (5) *Issuance of certification.* After concurrency review has been completed, the  
 17 ~~director of the p~~Planning and ~~d~~Development ~~s~~Services ~~d~~Department Director or  
 18 his/her designee shall either approve or deny the application~~conclude that the~~  
 19 ~~application is approved or denied~~. If denied, the denial shall be in writing and  
 20 shall include the reasons for denial. If a certificate of conditional concurrency  
 21 reservation is approved, the approval shall require the payment of the relevant  
 22 reservation fee or a bond equal to the amount of the reservation fee for reserving  
 23 capacity, as specified in the executed development agreement. This fee must be  
 24 paid within ten working days of the issuance of the certificate of concurrency  
 25 reservation or the certificate shall be cancelled. In either case, the final  
 26 development order shall not be issued until the capacity reservation fee is paid.  
 27 Public facility capacity shall be granted on a first-come, first-served basis,  
 28 determined as of the date and time a certificate of preliminary concurrency,  
 29 certificate of final concurrency or certificate of conditional concurrency  
 30 reservation is issued.

31  
 32 (6) *Deferral of capacity reservation.* Preliminary and final development orders may  
 33 be issued without a concurrency reservation and payment of reservations fees  
 34 only for water and/or wastewater facilities. An applicant may elect to defer a  
 35 water and/or wastewater concurrency reservation and payment of fees until an  
 36 application for a building permit is made. Deferrals are subject to the following  
 37 procedures:

- 38  
 39 a. Preliminary and final development orders undergo a concurrency review  
 40 at the time of application. A determination shall be made of whether

sufficient capacity exists at that time to permit the development under the concurrency procedures. Under no circumstances shall a project be granted a deferral of capacity reservation if, at the time of application point, there is insufficient capacity to meet concurrency requirements.

b. The applicant shall ~~must~~ sign a deferral of capacity reservation affidavit acknowledging that:

- 1. Water and/or wastewater capacity reservation is being deferred at this stage.
- 2. No rights to obtain a final development order or building permit, nor any other rights to develop the subject property, have been guaranteed, granted or implied by the city's approval of the preliminary and/or final development order without a concurrency reservation.
- 3. No guarantee of water and/or wastewater capacity availability is made.
- 4. A concurrency review must be made prior to the issuance of the building permit to determine whether sufficient capacity exists for the proposed project and no building permit will be issued until sufficient capacity is available.

c. The applicant may elect to cancel a deferral and reserve water and/or wastewater capacity at any time prior to the building permit application stage under the following conditions:

- 1. Treatment plant capacity is available to meet the needs of the project; and
- 2. Full payment of water and/or wastewater reservation fees are made to Gainesville Regional Utilities.

(7) *Other procedures concerning concurrency.* Any other procedures concerning concurrency administration, calculations and methodologies, and determinations shall be managed by the ~~p~~Planning and ~~d~~Development ~~s~~Services ~~d~~Department. The ~~g~~General ~~m~~Manager for ~~u~~Utilities shall develop policies to administer the

1 water/wastewater capacity system, including capacity reservations and the  
2 requirement for adequate water supply.

3  
4 (8) *Appeals.*

5  
6 a. *Application procedure.* An applicant may appeal any final decision,  
7 pursuant to this section, made by ~~the director of the p~~Planning and  
8 ~~d~~Development s~~Services d~~Department Director or his/her designee by  
9 filing an application for a hearing before the ~~e~~City p~~Plan b~~Board.  
10 Applications for appeal shall be available in the ~~p~~Planning and  
11 ~~d~~Development s~~Services d~~Department. The appeal must be filed within 20  
12 calendar days after such decision. The application for appeal shall be  
13 accompanied by a fee as set ~~forth~~ out in Appendix A (Schedule of Fees,  
14 Rates and Charges). The director shall set a date for a hearing to be held  
15 by the ~~e~~City p~~Plan b~~Board within 30 calendar days of an application for an  
16 appeal and shall notify the applicant and the ~~e~~City p~~Plan b~~Board of the  
17 date, time and place of the hearing. The notice shall be mailed to the  
18 applicant not less than ten calendar days prior to the date of the hearing.  
19 At the applicant's option and with the ~~e~~City p~~Plan b~~Board's concurrence,  
20 stipulations and sworn affidavits may be submitted in lieu of testifying at  
21 the ~~e~~City p~~Plan b~~Board hearing.

22  
23 b. *Conduct and recording of eCity pPlan bBoard hearing.* At the ~~e~~City p~~Plan b~~Board  
24 hearing, the applicant making the appeal shall present all of the  
25 evidence in support of the appeal. The city shall accurately and completely  
26 preserve all testimony in the proceeding; and, ~~at~~ on the request of any  
27 party, shall make a full or partial hearing record available at no more than  
28 actual cost. At the conclusion of the testimony, the ~~e~~City p~~Plan b~~Board  
29 shall adopt a decision of approval, denial, or approval with conditions or  
30 continue the proceedings to a date certain. A written decision shall follow  
31 in not more than ten (10) calendar days.

32  
33 c. *Appeals to hearing officer.* No person shall be deemed to have exhausted  
34 his/her administrative remedies for the purpose of seeking judicial review  
35 unless the party first obtains review of the director or ~~e~~City p~~Plan b~~Board's  
36 decision by a hearing officer as provided herein. The hearing officer  
37 appeal process provided in this article is designed to allow for an appeal of  
38 the ~~e~~City p~~Plan b~~Board action after a full and complete hearing. This  
39 appeal shall be construed in its broadest, nontechnical sense, which is



1 merely an application to a higher authority for a review of the eCity pPlan  
2 bBoard action taken.

3  
4 If the eCity pPlan bBoard record of their hearing is full and complete, the  
5 hearing officer may determine that the record is the only evidence that is  
6 necessary. However, the hearing officer may determine that additional  
7 evidence and oral or written testimony, including cross examination, is  
8 necessary to properly evaluate the eCity pPlan bBoard's action and render  
9 a decision as to its validity. The hearing officer shall have the authority to  
10 determine the need for additional evidence and/or testimony.

- 11  
12 1. *Filing of appeal; records; notice of decision.* The procedure for  
13 filing an appeal shall be as follows:
- 14 i. An applicant must file a notice of appeal with the director  
15 within twenty (20) calendar days of the eCity pPlan  
16 bBoard's final decision. The notice of appeal must be  
17 accompanied by a filing fee as set forth ~~out~~ in Appendix A  
18 (Schedule of Fees, Rates and Charges).
  - 19 ii. The notice of appeal shall set forth in detail the basis of the  
20 appeal.
  - 21 iii. All expenses associated with the hearing officer appeal  
22 process, except attorney fees, shall be the responsibility of  
23 the nonprevailing party.
  - 24 iv. The city shall accurately and completely preserve all  
25 testimony in the proceeding; and, at ~~on~~ the request of any  
26 party, shall make a full or partial hearing record available at  
27 no more than actual cost.
  - 28 v. In any case where a notice of appeal has been filed, the  
29 decision of the eCity pPlan bBoard shall be stayed pending  
30 the final determination of the case.
  - 31 vi. Following the hearing, the hearing officer shall prepare the  
32 written findings and decision; copies of the findings and  
33 decision shall be mailed by the hearing officer to each party
- 34  
35  
36  
37  
38  
39

to the appeal and to the director, with a copy provided to the eClerk of the eCommission.

2. *Conduct of hearing.* Conduct of the hearing before the hearing officer shall be as follows:
- i. The hearing officer shall set forth at the outset of the hearing the order of the proceedings and the rules under which the hearing shall be conducted.
  - ii. The order of presentation at the hearing shall be as follows:
    - (a) Receipt of the transcript, minutes and exhibits from the eCity pPlan bBoard and any records of the director, if any.
    - (b) Opening statements by the parties.
    - (c) Appellant's case.
    - (d) Respondent's case.
    - (e) Rebuttal by appellant.
    - (f) Summation by respondent.
    - (g) Summation by appellant.
    - (h) Conclusion of the hearing by the hearing officer.
  - iii. The director's records and the record of the eCity pPlan bBoard's hearing and decision, including all exhibits, shall be received and constitute a part of the record.
  - iv. The hearing officer shall have the authority to determine the applicability and relevance of all materials, exhibits and testimony and to exclude irrelevant, immaterial or repetitious matter.

- 1 v. The hearing officer is authorized to administer oaths to  
2 witnesses.
- 3
- 4 vi. A reasonable amount of cross examination of witnesses  
5 shall be permitted at the discretion of the hearing officer.  
6
- 7 vii. The time for presentation of a case shall be determined by  
8 the hearing officer.  
9
- 10 viii. The hearing officer may allow the parties to submit written  
11 findings of fact and conclusions of law following the  
12 hearing, and shall advise the parties to the timetable for so  
13 doing if allowed.  
14
- 15 3. *Decision by hearing officer.* The decision of the hearing officer  
16 shall be based on the following criteria and rendered as follows:  
17
- 18 i. The hearing officer shall review the director's records and  
19 record and testimony presented at the hearing before the  
20 eCity pPlan bBoard, and at the hearing officer's hearing.  
21 Although additional evidence may be brought before the  
22 hearing officer, the hearing shall not be deemed a hearing  
23 de novo, and the record before the eCity pPlan bBoard shall  
24 be incorporated into the record before the hearing officer,  
25 supplemented by such additional evidence as may be  
26 brought before the hearing officer.  
27
- 28 ii. The hearing officer shall be guided by the LOS level of  
29 service standards and the TMP requirements adopted in the  
30 Comprehensive Plan plan and in this chaptersection, the  
31 Concurrence Procedures Manual, technical evidence and  
32 calculations, and ~~established case~~ general law.  
33
- 34 iii. The burden shall be upon the appellant to show that the  
35 decision of the eCity pPlan bBoard cannot be sustained by  
36 a preponderance of evidence or the eCity pPlan bBoard  
37 decision departs from the essential requirements of law.  
38
- 39 iv. The hearing officer's determination shall include  
40 appropriate findings of fact, conclusions of law and



1 decisions in the matter of the appeal. The hearing officer  
2 may affirm, affirm with conditions or reverse the decision  
3 of the eCity pPlan bBoard.  
4

5 v. The hearing officer shall file his or her written  
6 determination on each appeal with the director within thirty  
7 (30) calendar days of the date of the appeal hearing and a  
8 copy shall be provided to the eClerk of the eCommission,  
9 the applicant and the director.  
10

11 vi. The decision of the hearing officer shall be final for the  
12 purpose of administrative appeals.  
13

14 4. *Judicial appeal.* Judicial review of the hearing officer's decision is  
15 available to the applicant and the city and shall be by the circuit  
16 court having jurisdiction over the city. In any case where judicial  
17 review is sought, the decision of the hearing officer shall be stayed  
18 pending the final determination of the appeal.  
19

20 d. *Appointment and qualifications of hearing officer.* The eCity eommission  
21 shall provide a hearing officer to conduct appeal hearings. No hearing  
22 officer shall act as agent or attorney or be otherwise involved with any  
23 matter which will come before the city during the term of the hearing  
24 officer's appointment. Further, no hearing officer shall initiate or consider  
25 ex parte or other communication with any party of interest to the hearing  
26 concerning the substance of any proceeding to be heard by the hearing  
27 officer, except such expert advice as the hearing officer may determine  
28 appropriate and solicit.  
29

30 ~~(9) — Concurrency fees in designated redevelopment areas. In order to encourage~~  
31 ~~redevelopment in areas so designated in the future land use element of the plan,~~  
32 ~~the city shall reduce the applicable concurrency fees by fifty (50) percent for~~  
33 ~~applications for projects in these areas.~~

34 **Sec. 30-35. Level of service standards.**

35 The following level of service (LOS) standards ("~~LOS~~") shall be used to determine whether  
36 concurrency exists for all public facilities except transportation mobility. Transportation  
37 mobility LOS standards are solely for planning purposes, as the city has rescinded transportation  
38 concurrency.÷

1 ~~(1) Traffic circulation.~~

2  
3 a. ~~LOS "C" for limited access highways, controlled access highways and the~~  
4 ~~Florida intrastate highway system as defined and shown in the Mobility~~  
5 ~~Element of the City of Gainesville Comprehensive Plan; LOS "D" for~~  
6 ~~state two-way arterials in the roadway network as defined and shown in~~  
7 ~~the Mobility Element of the City of Gainesville Comprehensive Plan,~~  
8 ~~except on those specific highway segments within the Central City~~  
9 ~~Transportation Concurrency Management Area (TCMA) as provided in~~  
10 ~~paragraph (d) below or except on those specific segments designated as~~  
11 ~~backlogged or constrained by the Florida Department of Transportation~~  
12 ~~(FDOT) and shown in the Level of Service Report as provided in~~  
13 ~~paragraph (e) below.~~

14  
15 b. ~~LOS "E" for nonstate roadways (including nonstate roadways functioning~~  
16 ~~as arterials) for the city-maintained facilities in the roadway network as~~  
17 ~~shown in the Mobility Element of the City of Gainesville Comprehensive~~  
18 ~~Plan, except on those specific segments within the Central City TCMA as~~  
19 ~~provided in paragraph (d) below or except for those specific segments~~  
20 ~~designated as backlogged or constrained by FDOT and shown in the level~~  
21 ~~of service report as provided in paragraph (e) below.~~

22  
23 e. ~~LOS "D" for non-state roadways (including non-state roadways~~  
24 ~~functioning as arterials) for Alachua County-maintained facilities in the~~  
25 ~~roadway network as shown in the Mobility Element of the Comprehensive~~  
26 ~~Plan, except those on specific segments within the Central City TCMA as~~  
27 ~~specified in paragraph (d) below or except for those specific segments~~  
28 ~~designated as backlogged or constrained by FDOT and shown in the level~~  
29 ~~of service report as specified in paragraph (e) below.~~

30  
31 d. ~~Within the Central City TCMA, as legally described in the Mobility~~  
32 ~~Element of the City of Gainesville Comprehensive Plan, the LOS~~  
33 ~~standards are as shown in Policy 1.1.5 of the Mobility Element of the~~  
34 ~~Comprehensive Plan.~~

35  
36 e. ~~New development shall not degrade constrained and backlogged facilities~~  
37 ~~located outside the Central City TCMA as shown in the level of service~~  
38 ~~report as prepared by the North Central Florida Regional Planning Council~~  
39 ~~and on file with the planning and development services department. The~~  
40 ~~constrained facilities shall be at least maintained at or below the maximum~~

1 ~~service volume as identified in the most current level of service report.~~  
2 ~~The interim level of service for backlogged facilities shall be at least~~  
3 ~~maintained at or below the maximum service volume as identified in the~~  
4 ~~most current level of service report until improvements are undertaken by~~  
5 ~~the appropriate agency responsible for maintenance of the roadway~~  
6 ~~segment to improve the level of service to the adopted LOS.~~

7  
8 1. ~~Proposed development within ¼ mile access of roadway facilities~~  
9 ~~designated as constrained or backlogged shall be of a land use not~~  
10 ~~likely to exacerbate peak hour conditions; or~~

11  
12 2. ~~Proposed development within ¼ mile access of roadway facilities~~  
13 ~~designated as constrained or backlogged shall have a traffic~~  
14 ~~mitigation program that limits impacts on peak hour capacity;~~  
15 ~~and/or~~

16  
17 3. ~~Reuse of existing structures shall be permitted that does not~~  
18 ~~increase the trip generation over that generated by the most recent~~  
19 ~~use of such existing buildings.~~

20  
21 f. ~~In order to meet concurrency requirements for development projects~~  
22 ~~within ¼ mile of the following categories of roadway facilities:~~

23  
24 1. ~~Any state or county maintained arterial or collector in the~~  
25 ~~Gainesville Urbanized Area Transportation Study ("GUATS")~~  
26 ~~network which has a median average annual daily trips (AADT)~~  
27 ~~within 85 percent of maximum service volumes allowed at LOS~~  
28 ~~"D" when calculated using Art plan Analysis as identified in the~~  
29 ~~Florida Highway System Plan, Level of Service Manual published~~  
30 ~~by FDOT April 12, 1992 ed.;~~

31  
32 2. ~~Any state or county maintained arterial or collector in the GUATS~~  
33 ~~network which has a median AADT within 85 percent of any~~  
34 ~~negotiated maximum volume; or~~

35  
36 3. ~~Any city maintained collector in the GUATS network which has a~~  
37 ~~median AADT within 85 percent of maximum service volumes~~  
38 ~~allowed at LOS "E" when calculated using Art plan analysis;~~

39



1 ~~multi-modal access improvements, such as, but not limited to: (i) bicycle~~  
 2 ~~parking; (ii) greenway/biketrail connections; (iii) sidewalk connections~~  
 3 ~~from new and existing building(s) on the subject site to the public~~  
 4 ~~sidewalk; (iv) completion of public sidewalk serving the subject property~~  
 5 ~~to an existing sidewalk or to the nearest intersection where existing~~  
 6 ~~sidewalk systems are incomplete and located on the same side of the~~  
 7 ~~street; (v) joint driveway access for adjacent parcels, if feasible; and (vi)~~  
 8 ~~the closing of poorly located, overly wide or duplicative curb cuts, shall be~~  
 9 ~~required when there is any new development; or, any redevelopment of an~~  
 10 ~~existing site which results in a net increase in trip generation.~~

11  
 12 (1) Transportation mobility.

13  
 14 a. Roadway LOS:

- 15  
 16 1. The LOS for all roadways in city limits shall be LOS E, except for  
 17 I-75 and roadways operating as backlogged or constrained.  
 18  
 19 2. The LOS for I-75 segments that fall within city limits shall be  
 20 maintained at LOS D to the extent feasible, recognizing that I-75  
 21 serves land areas and traffic outside city limits.  
 22  
 23 3. The city shall attempt to maintain the 2012 operating LOS on all  
 24 backlogged and constrained roadways in city limits.

25  
 26 b. Transit LOS:

- 27  
 28 1. The city shall strive to provide fixed-route transit service within ¼  
 29 mile of 80% of all medium and high density residential areas  
 30 identified on the Future Land Use Map, and within the RTS service  
 31 area.  
 32  
 33 2. The city shall strive to provide peak hour frequencies of 20  
 34 minutes or less within ¼ mile of all high density residential and  
 35 UMU-1 and UMU-2 land use areas in city limits.  
 36  
 37 3. The city shall strive to provide and maintain fixed-route transit  
 38 service to all Existing Transit Hubs & Transit-Supportive Areas (as  
 39 mapped in the Transportation Mobility Element Map Series) with  
 40 peak hour frequencies of 30 minutes or less.

- 1  
2           4.     The city shall strive to operate 80% of fixed-route transit routes for  
3                 at least 14 hours per day.  
4

5           c.     Pedestrian LOS:  
6

- 7           1.     The city shall install at least one linear mile of sidewalk annually  
8                 to retrofit existing areas without sidewalks.  
9  
10          2.     Sidewalk construction shall be required for all new development,  
11                 except in areas designated with the Industrial land use category.  
12  
13          3.     New streets shall be designed and constructed to include  
14                 sidewalks.  
15

16          d.     Bicycle and Trail LOS:  
17

- 18          1.     The city shall add an average of at least one mile of bicycle  
19                 facilities annually, including multi-modal trails.  
20  
21          2.     New streets shall be designed and constructed to include bicycle  
22                 facilities.  
23

24          (2)     *Stormwater management.*  
25

- 26          a.     The LOS standard for all stormwater management facilities shall be the  
27                 100-year critical duration storm. The LOS standard for water quality  
28                 treatment shall be treatment of first one inch of runoff; and compliance  
29                 with the stormwater management facility design and performance  
30                 standards established by the applicable water management district to  
31                 ensure that the receiving water quality standards of Chapter 62-302 F.A.C.  
32                 are met and to ensure that receiving surface waters maintain their  
33                 classifications as established in Chapter 62-302 F.A.C.  
34  
35          b.     These standards shall apply to all new development and redevelopment.  
36                 Any exemptions, exceptions or thresholds in the Florida Administrative  
37                 Code (F.A.C.) citations are not applicable.  
38

39          (3)     *Potable water/wastewater and water supply.*

1  
2  
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23

a. *Potable water.*

1. *Maximum day (peak) design flow:* Two hundred gallons per capita per day.
2. *Storage capacity:* One-half of peak day volume in gallons.
3. *Pressure:* The system shall be designed for a minimum pressure of 40 psig under forecasted peak hourly demands to assure 20 psig under extreme and unforeseen conditions.

b. *Wastewater.*

1. *Average day standard:* One hundred six gallons daily flow per capita.

c. *Water supply.* Average daily flow of 147 gallons per capita per day.

(4) *Recreation.*

a. *Level of service standards for parks.*

Park	Adopted LOS Standard <sup>1</sup>	Existing LOS <sup>2</sup>
Neighborhood park	<del>0.08</del> <u>0.80</u> acres	1.33 acres
Community park	2.00 acres	2.13 acres
Local nature/conservation	6.00 acres	15.71 acres
Total acres per 1,000 people	8.80 acres	19.73 acres

<sup>1</sup> Park standards are in acres per 1,000 people.

<sup>2</sup> Existing LOS is based on 2011 city population estimate and available facilities.



1 Source: City of Gainesville, Planning and Development Services Department and the  
2 Department of Parks, Recreation and Cultural Affairs, 2011.

3  
4 b. *Park design and function standards.*

- 5  
6 1. *Neighborhood parks.* Moderately sized recreation areas located to  
7 provide convenient access (no more than one-half mile) from  
8 neighborhoods served. Includes tennis courts, racquetball courts,  
9 shade trees, picnic facilities, child play areas, and a limited number  
10 of soccer and baseball fields. Size ranges from five to 20 acres,  
11 although the presence of certain types of facilities may classify  
12 certain sites less than five acres as neighborhood parks. (These  
13 smaller sites must provide at least two facilities of different types  
14 from the following list: basketball courts, tennis courts, racquetball  
15 courts, baseball/softball fields, gymnasium or recreation center,  
16 and soccer fields.) Service radius is one-half mile. Access is by  
17 local streets, with facilities for pedestrians and bicycles.  
18  
19 2. *Community parks.* Intensive-use, activity-based recreation areas  
20 that serve an entire planning quadrant. Includes a wide range and  
21 large concentration of facilities: lighted tennis courts, racquetball  
22 courts, soccer and baseball fields, a swimming pool, off-street  
23 parking, playgrounds and picnic facilities. Sites 20 acres or larger  
24 are classified as "undeveloped" if the site does not contain at least  
25 two different types of these facilities. If LOS standards require  
26 community park acres, but the quadrant is not deficient in any of  
27 these facilities, the following facilities may be substituted:  
28 basketball courts, tennis courts or racquetball courts. Size ranges  
29 from 20 to 100 acres, although certain types of facilities may  
30 classify certain sites less than 20 acres as community parks. (Parks  
31 between ten to 20 acres can be classified as a community park if at  
32 least two different types of the following facilities are provided:  
33 baseball/softball fields, swimming pool, gymnasium, recreation  
34 center, and/or soccer or football fields.) Service radius is 1½ miles  
35 or the planning quadrant. Access is by collector or arterial streets,  
36 with facilities for pedestrians, bicycles, autos. and buses.  
37  
38 3. *Local nature parks.* Moderately sized, resource-based parks that  
39 offer physical or visual access to environmentally significant open  
40 spaces. Such parks include trails, benches, picnic facilities.

boardwalks, and exhibits. Size is generally less than 100 acres. (All resource-based parks owned by the city or county are designated local nature parks, regardless of size.) Service radius is urban area-wide. Access is variable. Motorized vehicles are prohibited from pedestrian/bicycle corridors. Public properties containing environmentally significant features that have not been developed to accommodate passive recreation are known as "conservation areas."

(5) ~~Mass transit.~~

- a. ~~The city shall provide main bus service to each medium and high intensity mixed use area identified on the future land use map of the comprehensive plan unless the city commission determines that there is inadequate ridership to support this service.~~
- b. ~~The city shall provide main bus service to the medium and high intensity mixed use areas identified on the future land use map of the comprehensive plan with minimum headways of one (1) hour during peak hours. Peak hours shall be operating hours before 9:00 a.m. and between 3:30 p.m. and 7:00 p.m.~~
- e. ~~The city shall provide main bus service within one fourth mile of eighty (80) percent of all medium and high density residential areas designated on the future land use map of the comprehensive plan, and within the RTS main bus service area as shown on the existing and future RTS main bus service area map in the mass transit element of the comprehensive plan.~~
- d. ~~The city shall provide a transit system that can accommodate at least one and three fourths (1¾) percent of all Gainesville urbanized area daily person trips as determined by the FDOT trip generation model developed by John Harris (1986).~~

(5) Public schools facilities. The uniform, district-wide LOS standards for elementary, middle and high schools shall be 100% of Program Capacity as annually adjusted by the School Board. This LOS standard shall apply to all school concurrency services areas (SCSAs) (within Gainesville's city limits) as adopted in the Interlocal Agreement. For combination schools, the School Board shall separately determine the capacity of each school to accommodate



elementary, middle and high school students, and shall apply the LOS standard prescribed above for elementary, middle and high school levels respectively.

- (6) *Solid waste.* The following LOS standard for disposal and collection capacity shall be established: 0.655 tons of solid waste per capita per year disposed (3.6 pounds of solid waste per capita per day disposed).

**Sec. 30-36. Standards of concurrency review.**

The following standards of review shall be utilized used in concurrency review, to determine whether the LOS standards have been met:

- (1) *Potable water, solid waste, stormwater management, water supply, wastewater and recreation* ~~and wastewater.~~ The eConcurrency requirements for ~~potable water, solid waste, stormwater management and wastewater~~ for potable water, solid waste, stormwater management, water supply, wastewater and recreation shall be met by any one of the following standards:

- a. The necessary facilities and services are in place at the time a final development order is issued;
- b. A final development order is issued subject to the condition that the necessary facilities and services will be in place and available to serve the development no later than the issuance of a certificate of occupancy or its functional equivalent ~~when the impacts of the development occur;~~
- c. The necessary facilities are under construction and bonded for completion at the time a final development order is issued; or
- d. The necessary facilities and services are guaranteed in an enforceable development agreement that ~~includes the provisions listed in subsections 30-36(1)a. through e. of this section, which guarantee is secured by a completion bond, letter of credit~~ is secured by a completion bond, letter of credit, or other acceptable form of security acceptable subject to review and approval as to form and legality by to the eCity aAttorney. The agreement must guarantee that the necessary facilities and services will be in place and available to serve the development no later than the issuance of a certificate of occupancy or its functional equivalent ~~when the impacts of the development occur.~~

1 e. Prior to approval of a building permit or its functional equivalent, the city  
2 shall consult with Gainesville Regional Utilities to determine whether  
3 adequate water supplies to serve the new development will be available no  
4 later than the anticipated date of issuance by the city of a certificate of  
5 occupancy or its functional equivalent.

6  
7 ~~(2) Recreation. The concurrency requirements for recreation shall be met by any one~~  
8 ~~of the following standards:~~

9  
10 a. ~~The necessary facilities and services are in place at the time a final~~  
11 ~~development order is issued;~~

12  
13 b. ~~A final development order is issued subject to the condition that the necessary~~  
14 ~~facilities and services will be in place when the impacts of the development~~  
15 ~~occur;~~

16  
17 c. ~~The necessary facilities are under construction and bonded for completion~~  
18 ~~at the time a final development order is issued;~~

19  
20 d. ~~The necessary facilities and services are guaranteed in an enforceable~~  
21 ~~development agreement that includes the provisions listed in subsections~~  
22 ~~30-36(2)a. through c. of this section, which guarantee is secured by a~~  
23 ~~completion bond, letter of credit or other security acceptable to the city~~  
24 ~~attorney. The agreement must guarantee that the facilities and services will~~  
25 ~~be in place when the impacts of the development occur;~~

26  
27 e. ~~At the time the final development order is issued, the necessary facilities~~  
28 ~~and services are the subject of an executed, binding contract, bonded for~~  
29 ~~completion and which is acceptable to the city attorney, which provides~~  
30 ~~for the start of construction of the required facilities, or provision of the~~  
31 ~~services, within one (1) year of the issuance of the final development~~  
32 ~~order; or~~

33  
34 f. ~~The necessary facilities and services are guaranteed in an enforceable~~  
35 ~~development agreement requiring commencement of actual construction~~  
36 ~~of the facilities or the provision of services within one year from issuance~~  
37 ~~of the applicable development order, which guarantee is secured by a~~  
38 ~~completion bond, letter of credit or other security acceptable to the city~~  
39 ~~attorney.~~

40

1 ~~(3) *Traffic circulation and mass transit.* The concurrency requirements for traffic~~  
 2 ~~circulation and mass transit shall be met by any one of the following standards:~~

3  
 4 a. ~~The necessary facilities are in place at the time a final development order~~  
 5 ~~is issued;~~

6  
 7 b. ~~A final development order is issued subject to the condition that the~~  
 8 ~~necessary facilities and services will be in place when the impacts of the~~  
 9 ~~development occur;~~

10  
 11 c. ~~The necessary facilities are under construction and bonded for completion~~  
 12 ~~at the time a final development order is issued;~~

13  
 14 d. ~~The necessary facilities and services are guaranteed in an enforceable~~  
 15 ~~development agreement that includes the provisions listed in subsections~~  
 16 ~~30-36(3)a. through c. of this section, which guarantee is secured by a~~  
 17 ~~completion bond, letter of credit or other security acceptable to the city~~  
 18 ~~attorney. The agreement must guarantee that the facilities and services will~~  
 19 ~~be in place when the impacts of the development occur;~~

20  
 21 e. ~~At the time the final development order is issued, the necessary facilities~~  
 22 ~~and services are the subject of an executed, binding contract, bonded for~~  
 23 ~~completion and which is acceptable to the city attorney, which provides~~  
 24 ~~for the start of construction of the required facilities, or provision of the~~  
 25 ~~services, within one year of the issuance of the final development order;~~

26  
 27 f. ~~The necessary facilities and services are shown for actual construction in~~  
 28 ~~the first three years of the applicable, adopted state department of~~  
 29 ~~transportation five year work program, and are scheduled to commence~~  
 30 ~~construction within the first three years of the five year schedule of capital~~  
 31 ~~improvements included within the capital improvements element of the~~  
 32 ~~comprehensive plan; or~~

33  
 34 g. ~~The necessary facilities are shown for actual construction by the city in the~~  
 35 ~~first three years of the five year schedule of capital improvements~~  
 36 ~~included with the capital improvements element of the plan.~~

37  
 38 (2) *Public schools facilities.* The concurrency requirements for public school  
 39 facilities shall be met if:

a. Adequate school facilities (elementary, middle, and high school) are in place or will be under actual construction within 3 years after the issuance of a final development order or its functional equivalent;

b. Adequate school facilities are available in an adjacent School Concurrency Service Area (SCSA) or will be in place or under actual construction in an adjacent SCSA within 3 years after the issuance of a final development order or its functional equivalent; or

c. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in Subsection 163.3180(6)(h)2.a., Florida Statutes.

(43) *Project phasing.* In determining the availability of public facilities, an applicant may propose and the city may approve proposed projects in stages or phases so that public facilities needed for each phase shall be available in accordance with the standards set forth in this section.

**Section 4.** Article III, Division 3 of the City of Gainesville Land Development Code is repealed and deleted in its entirety as follows.

**~~DIVISION 3. -- PROPORTIONATE FAIR SHARE~~**

**~~Sec. 30-37.1. -- Intent and purpose.~~**

~~The purpose of this division is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair share program, as required by and in a manner consistent with F.S. § 163.3180(16).~~

**~~Sec. 30-37.2. -- Findings.~~**

~~The city commission finds that transportation capacity is a commodity that has a value to both the public and private sectors, and that the City of Gainesville Proportionate Fair Share Program:~~

- 
- (1) ~~Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;~~



- 1           (2) — ~~Allows developers of property to proceed under certain conditions,~~  
 2           ~~notwithstanding the failure of transportation concurrency, by contributing their~~  
 3           ~~proportionate fair share of the cost of a transportation modification;~~  
 4  
 5           (3) — ~~Contributes to the provision of adequate public facilities for future growth and~~  
 6           ~~promotes a strong commitment to comprehensive facilities planning, thereby~~  
 7           ~~reducing the potential for moratoria or unacceptable levels of traffic congestion;~~  
 8  
 9           (4) — ~~Maximizes the use of public funds for adequate transportation facilities to serve~~  
 10           ~~future growth, and may, in certain circumstances, allow the city to expedite~~  
 11           ~~transportation modifications by supplementing funds currently allocated for~~  
 12           ~~transportation modifications in the capital improvements element (CIE).~~  
 13  
 14           (5) — ~~Is consistent with F.S. § 163.3180(16), and Policies 1.2.1 and 1.2.6 in the city's~~  
 15           ~~CIE.~~  
 16  
 17           (6) — ~~Allows proportionate fair share mitigation to be directed toward one or more~~  
 18           ~~specific transportation modifications reasonably related to the mobility demands~~  
 19           ~~created by a development and such modifications may address one or more modes~~  
 20           ~~of travel.~~  
 21  
 22           (7) — ~~Limits proportionate fair share contributions to ensure that a development~~  
 23           ~~meeting the mitigation requirements is not responsible for the additional cost of~~  
 24           ~~reducing or eliminating backlogs.~~  
 25  
 26           (8) — ~~Recognizes that the funding of any modification that significantly benefits the~~  
 27           ~~impacted transportation system can satisfy transportation concurrency~~  
 28           ~~requirements as a mitigation of the development's impact upon the overall~~  
 29           ~~transportation system even if there remains a failure of transportation concurrency~~  
 30           ~~on other impacted facilities.~~

31  
 32 **~~Sec. 30-37.3. Procedures.~~**

33 ~~(a) — *Applicability.* Except as listed below in this subsection (a), the proportionate fair share~~  
 34 ~~program shall apply to all developments that have been notified of a lack of capacity to satisfy~~  
 35 ~~transportation concurrency on a transportation facility in the City of Gainesville Concurrency~~  
 36 ~~Management System (CMS), including transportation facilities maintained by the Florida~~  
 37 ~~Department of Transportation (FDOT) or another jurisdiction that are relied upon for~~  
 38 ~~concurrency determinations, pursuant to the requirements of this section. The proportionate fair~~  
 39 ~~share program does not apply to:~~

- 40  
 41           (1) — ~~Developments of regional impact (DRIs) using proportionate share under F.S. §~~  
 42           ~~163.3180(12); or~~  
 43

1           ~~(2) — Developments exempted or excepted from concurrency as provided in the~~  
 2           ~~concurrency management element of the comprehensive plan, including without~~  
 3           ~~limitation, developments within the city's TCEA Zones A, B and C, as adopted in~~  
 4           ~~the city's comprehensive plan prior to July 8, 2009; or~~

5  
 6           ~~(3) — Developments excepted from concurrency by virtue of being located within the~~  
 7           ~~state mandated TCEA that receive a final development order on or after July 8,~~  
 8           ~~2009. Developments in the state mandated TCEA shall be required to meet the~~  
 9           ~~applicable standards in division 4 of this article or in the comprehensive plan, at~~  
 10           ~~such time as adopted. Notwithstanding the foregoing, any applicant that filed an~~  
 11           ~~application for a development order with the city prior to July 2009, and was~~  
 12           ~~being processed with a requirement to comply with the proportionate fair share~~  
 13           ~~program, may elect to proceed with its development under the proportionate fair-~~  
 14           ~~share program by entering into a proportionate fair share agreement with the city;~~  
 15           ~~or~~

16  
 17           ~~(4) — Development on annexed property located within the state mandated TCEA that~~  
 18           ~~does not yet have a city land use category. In accordance with Objective 4.4 and~~  
 19           ~~its sub-policies in the city's future land use element and F.S. § 171.062(2), such~~  
 20           ~~developments shall continue to be subject to the county land use plan and county~~  
 21           ~~zoning or subdivision regulations until such time as the city adopts a~~  
 22           ~~comprehensive plan amendment placing a city land use category on the annexed~~  
 23           ~~property.~~

24  
 25           ~~(b) — *General requirements.* An applicant may choose to satisfy the transportation concurrency~~  
 26           ~~requirements of the city by making a proportionate fair share contribution, pursuant to the~~  
 27           ~~following requirements:~~

28           ~~(1) — The proposed development is consistent with the comprehensive plan and~~  
 29           ~~applicable land development regulations.~~

30  
 31           ~~(2) — The five-year schedule of capital improvements in the city's CIE or the long-term~~  
 32           ~~schedule of capital improvements for an adopted long-term concurrency~~  
 33           ~~management system includes a transportation modification(s) that, upon~~  
 34           ~~completion, will satisfy the requirements of the city's transportation CMS. The~~  
 35           ~~provisions of subsection (b)(3) may apply if a project or projects needed to satisfy~~  
 36           ~~concurrency are not presently contained within the city's CIE or an adopted long-~~  
 37           ~~term schedule of capital improvements.~~

38  
 39           ~~(3) — The city may choose to allow an applicant to satisfy transportation concurrency~~  
 40           ~~through the proportionate fair share program by contributing to a transportation~~  
 41           ~~modification that, upon completion, will satisfy the requirements of the city's~~  
 42           ~~transportation CMS, but is not contained in the five-year schedule of capital~~  
 43           ~~improvements in the CIE or a long-term schedule of capital improvements for an~~  
 44           ~~adopted long-term CMS, where the following apply:~~



- 1  
2 a. ~~The city adopts by resolution a commitment to add the transportation~~  
3 ~~modification(s) to the five year schedule of capital improvements in the~~  
4 ~~CIE or long term schedule of capital improvements for an adopted long-~~  
5 ~~term CMS no later than the next regularly scheduled update. Additionally,~~  
6 ~~to qualify for consideration under this section, the proposed transportation~~  
7 ~~modification must be: determined to be financially feasible by the city~~  
8 ~~commission for city transportation facilities, or by the governmental entity~~  
9 ~~or entities maintaining the impacted transportation facility for county and~~  
10 ~~state roads, pursuant to F.S. § 163.3180(16)(b)1.; consistent with the~~  
11 ~~comprehensive plan; and in compliance with the provisions of the city's~~  
12 ~~proportionate fair share program. Financial feasibility for this section shall~~  
13 ~~mean that additional contributions, payments or funding sources are~~  
14 ~~reasonably anticipated during a period not to exceed ten years to fully~~  
15 ~~mitigate impacts on the transportation facilities.~~
- 16  
17 b. ~~If the funds allocated for the five year schedule of capital improvements in~~  
18 ~~the CIE are insufficient to fully fund construction of a transportation~~  
19 ~~modification required by the CMS, the city may still enter into a binding~~  
20 ~~proportionate fair share agreement with the applicant authorizing~~  
21 ~~construction of that amount of development on which the proportionate~~  
22 ~~fair share is calculated if the proportionate fair share amount in such~~  
23 ~~agreement is sufficient to pay for one or more projects which, in the~~  
24 ~~opinion of the governmental entity or entities maintaining the~~  
25 ~~transportation facility, (i) are reasonably related to the mobility demands~~  
26 ~~created by the development, and (ii) will significantly benefit the impacted~~  
27 ~~transportation system even if there remains a failure of concurrency on~~  
28 ~~other impacted facilities (also referred to as system wide transportation~~  
29 ~~projects). In order for the city to enter into the proportionate fair share~~  
30 ~~agreement, the governmental entity or entities maintaining the impacted~~  
31 ~~transportation facilities must provide written findings to the city as to (i)~~  
32 ~~and (ii).~~
- 33  
34 c. ~~The system wide transportation projects as mentioned in subsection 30-~~  
35 ~~39(b)(3)b. and subsection 30-39(b)(4) shall include, but not be limited to:~~  
36 ~~the traffic management system (TMS), expansions of the transit fleet to~~  
37 ~~increase service frequency, bus rapid transit corridors, transit service~~  
38 ~~expansion to new areas, park and ride facilities for the transit system, or~~  
39 ~~other mobility projects improving the transit, pedestrian and/or bicycle~~  
40 ~~level of service.~~
- 41  
42 d. ~~The modification or modifications funded by the proportionate fair share~~  
43 ~~program shall be adopted into the five year capital improvements schedule~~  
44 ~~of the comprehensive plan or the long term schedule of capital~~

1 ~~improvements for an adopted long-term concurrency management system~~  
 2 ~~at the next annual CIE update.~~

3  
 4 ~~e. Any modification proposed to meet the developer's fair share obligation~~  
 5 ~~must meet design standards of the city on city roads or Metropolitan~~  
 6 ~~Transportation Planning Organization (MTPO) for locally maintained~~  
 7 ~~roadways and those of the FDOT for the state highway system.~~

8  
 9 ~~(c) Application process. Upon notification of a lack of capacity to satisfy transportation~~  
 10 ~~concurrency, the applicant shall also be notified of the opportunity to satisfy transportation~~  
 11 ~~concurrency through the proportionate fair share program pursuant to the requirements of section~~  
 12 ~~30-39.~~

13  
 14 ~~(1) Prior to submitting an application for concurrency certification that involves a~~  
 15 ~~proportionate fair share agreement, a pre-application staff conference shall be~~  
 16 ~~held to discuss eligibility, application submittal requirements, potential mitigation~~  
 17 ~~options, and related issues. The pre-application meeting may be held in~~  
 18 ~~conjunction with a traffic study meeting. If the impacted facility is on the strategic~~  
 19 ~~intermodal system (SIS), then the FDOT will be notified and invited to participate~~  
 20 ~~in the pre-application meeting.~~

21  
 22 ~~(2) The applicant shall submit a completed application for concurrency certification~~  
 23 ~~at the time of application for development plan review, special use permit~~  
 24 ~~approval, subdivision or minor subdivision approval, or planned development~~  
 25 ~~rezoning that includes:~~

26  
 27 ~~Name, address and phone number of owner(s), developer and agent;~~

28 ~~Phasing schedule, if applicable;~~

29 ~~Trip generation and trip distribution; and~~

30 ~~Description of the proportionate fair share mitigation method(s) that will be~~  
 31 ~~provided.~~

32  
 33 ~~(3) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair share mitigation~~  
 34 ~~for development impacts to facilities on the SIS requires the concurrence of the~~  
 35 ~~FDOT. The applicant shall submit evidence of an agreement between the~~  
 36 ~~applicant and the FDOT for inclusion in the proportionate fair share agreement.~~

37  
 38 ~~(4) When an application is deemed sufficient, complete, and eligible, the applicant~~  
 39 ~~shall be advised in writing and a proposed proportionate fair share obligation and~~  
 40 ~~binding proportionate fair share agreement will be prepared by the city manager~~  
 41 ~~or designee and delivered to the appropriate parties for review, including a copy~~



1 to the FDOT for any proposed proportionate fair share mitigation on a SIS  
 2 facility, Alachua County for any proposed proportionate fair share mitigation on a  
 3 county-maintained facility, or any other municipality whose road facility is  
 4 significantly impacted and for which proposed proportionate fair share mitigation  
 5 is required. No proportionate fair share agreement will be effective until fully  
 6 executed by the applicant and the city manager or designee. The agreement shall  
 7 specify the date or dates on which payments, dedications, and/or completed  
 8 construction of projects by the developer are due.

9  
 10 (d) — *Determining proportionate fair share obligation.* As provided in F.S. § 163.3180(16)(c),  
 11 proportionate fair share mitigation method for transportation concurrency impacts may include,  
 12 without limitation, separately or collectively, private funds, contributions of land, and  
 13 construction and contribution of facilities. Construction and contribution of facilities shall be  
 14 subject to final inspection and approval by the appropriate governmental agency. Proportionate  
 15 fair share mitigation may be directed toward one or more specific transportation modification(s)  
 16 reasonably related to the mobility demands created by the development and such modification(s)  
 17 may address one or more modes of travel.

18  
 19 (1) — As provided in F.S. § 163.3180(16)(c), a development shall not be required to pay  
 20 more than its proportionate fair share. The fair market value of the proportionate  
 21 fair share mitigation for the impacted facilities shall not differ regardless of the  
 22 method of mitigation. Proportionate fair share mitigation shall be limited to  
 23 ensure that a development meeting the requirements of this section mitigates its  
 24 impact on the transportation system but is not responsible for the additional cost  
 25 of reducing or eliminating backlogs.

26  
 27 (2) — The methodology used to calculate an applicant's proportionate fair share  
 28 obligation shall be as provided for in F.S. § 163.3180(12), as follows:

29  
 30 "The cumulative number of trips from the proposed development expected to  
 31 reach roadways during peak hours from the complete build-out of a stage or phase  
 32 being approved, divided by the change in the peak hour maximum service volume  
 33 (MSV) of roadways resulting from construction of an improvement necessary to  
 34 maintain the adopted LOS, multiplied by the construction cost, at the time of  
 35 developer payment, of the improvement necessary to maintain the adopted LOS."

36 OR

37 Proportionate Fair Share =  $\frac{((\text{Development Trips}) / (\text{SV}$   
 38  $\text{Increase})) \times \text{Cost}}$

39 Where:

1 ~~Development Trips;sub\sub; = Those net, new peak hour trips from the stage or phase of~~  
 2 ~~development under review that are assigned to roadway segment "i" and have triggered a~~  
 3 ~~deficiency per the CMS;~~

4  
 5 ~~SV Increase;sub\sub; = Service volume increase provided by the eligible~~  
 6 ~~improvement/modification to roadway segment "i" per this section;~~

7  
 8 ~~Cost;sub\sub; = Adjusted cost of the modification to segment "i". Cost shall include all~~  
 9 ~~modifications and associated costs, such as design, right of way acquisition, planning,~~  
 10 ~~engineering, inspection, and physical development costs directly associated with~~  
 11 ~~construction at the anticipated cost in the year it will be incurred.~~

12  
 13 ~~(3) — For the purposes of determining proportionate fair share obligations, the city shall~~  
 14 ~~determine modification costs based upon the actual cost of the modification as~~  
 15 ~~obtained from the CIE, the MTPO/TIP or the FDOT Work Program. Where such~~  
 16 ~~information is not available, modification cost shall be determined using one of~~  
 17 ~~the following methods:~~

18  
 19 ~~a. — An analysis by the city manager or designee of costs by cross section type~~  
 20 ~~that incorporates data from recent projects and is updated annually and~~  
 21 ~~approved by the city manager or designee. In order to accommodate~~  
 22 ~~increases in construction material costs, project costs shall be adjusted by~~  
 23 ~~an inflation factor; or~~

24  
 25 ~~b. — The most recent issue of FDOT *Transportation Costs*, as adjusted based~~  
 26 ~~upon the type of cross section (urban or rural); locally available data from~~  
 27 ~~recent projects on acquisition, drainage and utility costs; and significant~~  
 28 ~~changes in the cost of materials due to unforeseeable events. Cost~~  
 29 ~~estimates for state road improvements not included in the adopted FDOT~~  
 30 ~~Work Program shall be determined using this method in coordination with~~  
 31 ~~FDOT District 2.~~

32  
 33 ~~c. — If the city has accepted a modification project proposed by the applicant,~~  
 34 ~~then the value of the modification shall be determined using one of the~~  
 35 ~~methods provided in this section.~~

36  
 37 ~~d. — If the city has accepted right of way dedication for the proportionate fair-~~  
 38 ~~share payment, credit for the dedication of the non-site related right of-~~  
 39 ~~way shall be valued on the date of the dedication by fair market value~~  
 40 ~~established by an independent appraisal provided to the city by the~~  
 41 ~~applicant, at the applicant's expense. The appraisal is subject to review and~~  
 42 ~~approval by the city. The applicant, at its own expense, shall supply to the~~  
 43 ~~city: a certified survey and legal description of the land and an owner's~~  
 44 ~~title policy insuring the city for the appraised value. If the right of way~~

dedication is for either a county-maintained or FDOT roadway facility, the dedication shall be to the appropriate agency and under the same provisions as listed above. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city-estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

(4) ~~At the discretion of the city, the proportionate fair-share obligation, as calculated in subsection 30-39(d), can be used to fund system-wide transportation project(s) as described in subsection 30-39(b)(3)c, that, in the opinion of the governmental entity or entities having maintenance authority over the impacted transportation facility;~~ (i) are reasonably related to the mobility demands created by the development, and (ii) will significantly benefit the impacted transportation system even if there remains a failure of concurrency on other impacted facilities. In order for the city to enter into the proportionate fair-share agreement, the governmental entity or entities maintaining the impacted transportation facilities must provide written findings to the city as to (i) and (ii).

(5) Pursuant to the provisions of subsection (b)(3)b. and c., the city, at its discretion, may allow smaller developments generating fewer than 1,000 average daily trips (ADT) or 100 peak-hour trips (whichever produces the smaller development size in terms of square footage or residential units) to contribute proportionate fair-share funds to system-wide transportation projects. The development shall contribute to both the TMS and the transit system, and all proportionate fair-share calculations shall be based on the total number of peak-hour trips. For the purposes of determining proportionate fair-share obligations for system-wide transportation projects such as the TMS or transit services, the city shall determine modification costs based upon the actual cost of the modification as obtained from the city's public works department and regional transit service. These costs shall be updated annually.

a. ~~The TMS cost shall be calculated as follows:~~

1. ~~Average the daily traffic counts per TMS corridors within city limits and sum them;~~
2. ~~Translate to peak-hour trips using the locally derived 9.1 percent ratio per city studies;~~
3. ~~Calculate the TMS cost minus corridors outside city limits;~~



4. ~~Divide the sum of all p.m. peak hour corridor counts into the TMS cost within the city limits to obtain a cost per peak trip.~~

b. ~~The transit costs shall be calculated as follows:~~

~~Development's net, new peak hour trip generation × (TAA Costs/TAA new peak trips) /CF where,~~

~~TAA Cost = Transit Assessment Area Cost (3 years) of capital and operating costs for enhancements to existing transit service routes that demonstrate the need for service expansion (i.e., full buses, high productivity, customer requests); 5 years of capital and operating costs for new transit service routes).~~

~~TAA new peak trips = the new transit trips available in the peak hour based on the enhancements.~~

~~CF = the conversion factor of person trips to vehicle trips (= the current vehicle occupancy rate per the local transportation model is 1.09).~~

(6) ~~If the city designates any multimodal transportation districts (MMTD), the proportionate fair share assessments shall be based on the expected costs and transportation benefits of all the required multimodal modifications within the MMTD. The proportionate fair share assessment shall be based on the percentage of proposed development net, new peak hour trips divided by the total number of trips projected for the MMTD multiplied by the cost to provide all needed mobility modifications within the MMTD.~~

(e) ~~Proportionate fair share agreements. Upon execution of a proportionate fair share agreement (agreement), the applicant shall receive a city certificate of preliminary and/or final concurrence (as appropriate). Should the applicant fail to apply for a development permit within the timeframe provided in the Land Development Code, then the agreement shall be considered null and void, and the applicant shall be required to reapply.~~

(1) ~~Payment of the proportionate fair share contribution is due in full prior to issuance of the final development order, special use permit, second reading of the PD ordinance, or recording of the final plat, whichever is the first to occur, and shall be nonrefundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate fair share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required modification at the time of payment, pursuant to subsection 30-39(d) and adjusted accordingly.~~



1           (2) ~~All developer modifications authorized under this section must be completed prior~~  
2           ~~to issuance of a building permit, or as otherwise established in a binding~~  
3           ~~agreement that is accompanied by a security instrument that is sufficient to ensure~~  
4           ~~the completion of all required modification(s). It is the intent of this section that~~  
5           ~~any required modification(s) be completed before issuance of building permits.~~

6  
7           (3) ~~Dedication of necessary right-of-way for facility modifications pursuant to an~~  
8           ~~agreement must be completed prior to issuance of the final development order or~~  
9           ~~recording of the final plat.~~

10  
11          (4) ~~Any requested change to a development project subsequent to a development~~  
12          ~~order may be subject to additional proportionate fair share contributions to the~~  
13          ~~extent the change would generate additional traffic that would require mitigation.~~  
14          ~~If a requested change to a development project reduces its traffic impact~~  
15          ~~subsequent to a development order and prior to the issuance of a certificate of~~  
16          ~~occupancy, the applicant may request that the proportionate fair share agreement~~  
17          ~~be amended and the contribution reduced to reflect the revised mitigation~~  
18          ~~required, if the city has not appropriated the funds. Applicants may submit a letter~~  
19          ~~to withdraw from the proportionate fair share program at any time prior to the~~  
20          ~~execution of an agreement.~~

21  
22          (f) ~~Appropriation of fair share revenues. Proportionate fair share revenues shall be placed in~~  
23          ~~the appropriate project account for funding of scheduled modifications in the city's CIE, or as~~  
24          ~~otherwise established in the terms of the proportionate fair share agreement. At the discretion of~~  
25          ~~the city, proportionate fair share revenues may be used for operational modifications prior to~~  
26          ~~construction of the capacity project from which the proportionate fair share revenues were~~  
27          ~~derived. Proportionate fair share revenues may also be used as the 50 percent local match for~~  
28          ~~funding under the FDOT Transportation Regional Incentive Program (TRIP).~~

29  
30          (1) ~~In the event a schedule facility modification is removed from the CIE, then the~~  
31          ~~revenues collected for its construction may be applied toward the construction of~~  
32          ~~another modification within that same corridor or sector that is found to mitigate~~  
33          ~~the impacts of development pursuant to the requirements of subsection 30-~~  
34          ~~39(b)(3)b.~~

35  
36          (2) ~~Where an impacted regional facility has been designated as a regionally~~  
37          ~~significant transportation facility in an adopted regional transportation plan as~~  
38          ~~provided in F.S. §339.155, the city may coordinate with other impacted~~  
39          ~~jurisdictions and agencies to apply proportionate fair share contributions and~~  
40          ~~public contributions to seek funding for improving the impacted regional facility~~  
41          ~~under the FDOT TRIP. Such coordination shall be ratified by the city commission~~  
42          ~~through an interlocal agreement that establishes a procedure for earmarking of the~~  
43          ~~developer contributions for this purpose.~~

1 ~~(g) — Impact fee credit for proportionate fair share mitigation. If the city adopts transportation~~  
 2 ~~impact fees, the following provisions shall apply:~~

3  
 4 ~~(1) — Proportionate fair share contributions shall be applied as a credit against impact~~  
 5 ~~fees to the extent that all or a portion of the proportionate fair share mitigation is~~  
 6 ~~used to address the same capital infrastructure improvements contemplated by the~~  
 7 ~~city's impact fee ordinance.~~

8  
 9 ~~(2) — Impact fee credits for the proportionate fair share contribution will be determined~~  
 10 ~~when the transportation impact fee obligation is calculated for the proposed~~  
 11 ~~development. Impact fees owed by the applicant will be reduced per the~~  
 12 ~~proportionate fair share agreement as they become due per the city's impact fee~~  
 13 ~~ordinance. If the applicant's proportionate fair share obligation is less than the~~  
 14 ~~development's anticipated road impact fee for the specific stage or phase of~~  
 15 ~~development under review, then the applicant or its successor must pay the~~  
 16 ~~remaining impact fee amount to the city pursuant to the requirements of the city~~  
 17 ~~impact fee ordinance.~~

18  
 19 ~~(3) — Major projects not included within the city's impact fee ordinance or created~~  
 20 ~~under subsection 30-39(b)(3)a. and b. which can demonstrate a significant benefit~~  
 21 ~~to the impacted transportation system may be eligible at the local government's~~  
 22 ~~discretion for impact fee credits.~~

23  
 24 ~~(4) — The proportionate fair share obligation is intended to mitigate the transportation~~  
 25 ~~impacts of a proposed development at a specific location. As a result, any road~~  
 26 ~~impact fee credit based upon proportionate fair share contributions for a proposed~~  
 27 ~~development cannot be transferred to any other location unless provided for~~  
 28 ~~within the city's impact fee ordinance.~~

29  
 30 **~~Sec. 30-37.4. — Intergovernmental coordination.~~**

31 ~~(a) — Cross jurisdictional impacts. Pursuant to policies in the intergovernmental coordination~~  
 32 ~~element of the City of Gainesville Comprehensive Plan, the city shall coordinate with affected~~  
 33 ~~jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the~~  
 34 ~~jurisdiction of the local government receiving the application for proportionate fair share~~  
 35 ~~mitigation. An interlocal agreement may be established with other affected jurisdictions for this~~  
 36 ~~purpose.~~

37  
 38 ~~(b) — In the interest of intergovernmental coordination and to reflect the shared responsibilities~~  
 39 ~~for managing development and concurrency, the city may enter into an agreement with one or~~  
 40 ~~more adjacent local governments to address cross jurisdictional impacts of development on~~  
 41 ~~regional transportation facilities. The agreement shall provide for application of the methodology~~  
 42 ~~in this section to address the cross jurisdictional transportation impacts of development.~~



1 ~~(c) — A development application submitted to the city subject to a transportation concurrency~~  
2 ~~determination meeting all of the following criteria shall be subject to this section:~~

3       ~~(1) — All or part of the proposed development is located within .25 mile(s) of the area~~  
4       ~~which is under the jurisdiction, for transportation concurrency, of an adjacent~~  
5       ~~local government or generates more than 1,000 net, new ADT; and~~

6       ~~(2) — Using its own concurrency analysis procedures, the city concludes that the~~  
7       ~~additional traffic from the proposed development would use five percent or more~~  
8       ~~of the adopted peak hour LOS maximum service volume of a regional~~  
9       ~~transportation facility within the concurrency jurisdiction of the adjacent local~~  
10       ~~government ("impacted regional facility"); and~~

11       ~~(3) — The impacted regional facility is projected to be operating below the level of~~  
12       ~~service standard, adopted by the adjacent local government, when the traffic from~~  
13       ~~the proposed development is included.~~

14  
15 ~~(d) — Upon identification of an impacted regional facility pursuant to subsection 30-40(c)(1) —~~  
16 ~~(3), the city shall notify the applicant and the affected adjacent local government in writing of the~~  
17 ~~opportunity to derive an additional proportionate fair share contribution, based on the projected~~  
18 ~~impacts of the proposed development on the impacted adjacent facility.~~

19  
20 ~~(e) — The adjacent local government shall have up to 30 days in which to notify the city of a~~  
21 ~~proposed specific proportionate fair share obligation, and the intended use of the funds when~~  
22 ~~received. The adjacent local government must provide reasonable justification that both the~~  
23 ~~amount of the payment and its intended use comply with the requirements of F.S. §~~  
24 ~~163.3180(16). Should the adjacent local government decline proportionate fair share mitigation~~  
25 ~~under this section, then the provisions of this section would not apply and the applicant would be~~  
26 ~~subject only to the proportionate fair share requirements of the city.~~

27  
28 ~~(f) — If the subject application is subsequently approved by the city, the approval shall include~~  
29 ~~a condition that the applicant provides, prior to the issuance of any building permit covered by~~  
30 ~~that application, evidence that the proportionate fair share obligation to the adjacent local~~  
31 ~~government has" been satisfied.~~

32  
33       **Section 5.** Article III, Division 4 of the City of Gainesville Land Development Code is  
34 repealed and deleted in its entirety as follows.

35 ~~**DIVISION 4. STATE MANDATED TRANSPORTATION CONCURRENCY**~~  
36 ~~**EXCEPTION AREA**~~

37 ~~**Sec. 30-38.1. Intent and purpose.**~~

38 ~~The purpose of this division is to implement short-term strategies for the area within the city~~  
39 ~~limits that the State of Florida designated as a transportation concurrency exception area as~~  
40 ~~identified in Map 1 (the "state-mandated TCEA") through its enactment of Senate Bill 360 (2009~~  
41 ~~regular session) now known as Chapter Law No. 2009-96. The intent of this division is to~~

1 ~~eliminate uncertainty within the development community as to which transportation mobility~~  
 2 ~~regulations apply, to encourage urban infill development and redevelopment by providing an~~  
 3 ~~exception to the city's transportation concurrency management system and proportionate fair-~~  
 4 ~~share program, to fund transportation mobility needs in accordance with state law, to reduce~~  
 5 ~~traffic congestion, and to provide for a range of transportation alternatives that benefits the~~  
 6 ~~overall transportation system.~~

7 **~~Sec. 30-38.2. Findings.~~**

8 ~~The city commission finds that a range of transportation alternatives benefits the overall~~  
 9 ~~transportation system and has value to both the public and private sectors, that there is a need for~~  
 10 ~~short-term strategies to provide for and fund mobility needs until such time as long-term~~  
 11 ~~strategies can be adopted into the city's comprehensive plan, and that the short-term strategies for~~  
 12 ~~the state-mandated TCEA set forth in this division:~~

13 (1) ~~Provide a method by which developers of property within the state-mandated~~  
 14 ~~TCEA can support and fund mobility needs created by development;~~

15  
 16 (2) ~~Contribute to the provision of adequate public facilities for future growth and~~  
 17 ~~promote a strong commitment to comprehensive facilities planning, thereby~~  
 18 ~~reducing the potential for moratoria or unacceptable lack of transportation~~  
 19 ~~alternatives to support development;~~

20  
 21 (3) ~~Maximize the use of public funds for adequate transportation facilities to serve~~  
 22 ~~future growth, and may, in certain circumstances, allow the city to expedite~~  
 23 ~~transportation modifications by supplementing funds currently allocated for~~  
 24 ~~transportation mobility modifications in the capital improvements element (CIE);~~  
 25 ~~and~~

26  
 27 (4) ~~Are consistent with Chapter Law No. 2009-96, and Objective 1.10 and its sub-~~  
 28 ~~policies in the city's concurrency management element.~~

29 **~~Sec. 30-38.3. Procedures.~~**

30 (a) ~~Applicability. These short-term strategies shall apply to all developments within the state-~~  
 31 ~~mandated TCEA identified in Map 1 that receive a final development order on or after July 8,~~  
 32 ~~2009. Notwithstanding the foregoing, any applicant that filed an application for a development~~  
 33 ~~order with the city prior to July 8, 2009, and was being processed with a requirement to comply~~  
 34 ~~with the proportionate fair-share program, may elect to proceed with its development under the~~  
 35 ~~proportionate fair-share program by entering into a proportionate fair-share agreement with the~~  
 36 ~~city. These short-term strategies do not apply to:~~



1  
2 (1) ~~Developments within the city's TCEA Zones A, B and C, as adopted in the city's~~  
3 ~~comprehensive plan prior to July 9, 2009. This area is identified as "Existing~~  
4 ~~TCEA" in Map 1 and continues to be subject to the TCEA requirements set forth~~  
5 ~~in the city's adopted concurrency management element; or~~

6  
7 (2) ~~Development on annexed property located within the state mandated TCEA that~~  
8 ~~does not yet have a city land use category. In accordance with Objective 4.4 and~~  
9 ~~its sub-policies in the city's future land use element and F.S. § 171.062(2), such~~  
10 ~~developments shall continue to be subject to the county land use plan and county~~  
11 ~~zoning or subdivision regulations until such time as the city adopts a~~  
12 ~~comprehensive plan amendment placing city land use category on the annexed~~  
13 ~~property. The following shall apply when the city places a city land use category~~  
14 ~~on the annexed property:~~

15  
16 a. ~~Properties that involve a large-scale land use amendment shall be placed~~  
17 ~~in a TCEA zone as part of the large-scale amendment process for the~~  
18 ~~property. This shall be done by simultaneous amendment to the~~  
19 ~~appropriate TCEA maps in the comprehensive plan; or~~

20  
21 b. ~~Properties that involve a small-scale land use amendment shall be placed~~  
22 ~~in a TCEA zone during the next large-scale amendment cycle, with~~  
23 ~~appropriate TCEA map amendments. During the interim period, after~~  
24 ~~obtaining a city land use category but prior to placement in a TCEA zone,~~  
25 ~~development on property east of I-75 shall provide for and fund mobility~~  
26 ~~needs by meeting the standards and requirements of the most physically~~  
27 ~~proximate TCEA zone. Development on property west of I-75 shall meet~~  
28 ~~the standards and requirements for Zone D.~~

29  
30 ~~(b) Requirements. Within the state mandated TCEA, the city designates property into sub-~~  
31 ~~areas designated as Zones A, B, C, D, E and M as identified in Map 2.~~

32  
33 (1) ~~Within Zone A, development or redevelopment shall provide the following:~~

34  
35 a. ~~Sidewalk connections from the development to existing and planned~~  
36 ~~public sidewalk along the development frontage.~~

37  
38 b. ~~Cross-access connections/easements or joint driveways, where available~~  
39 ~~and economically feasible.~~

1  
2 e. ~~Deeding of land or conveyance of required easements along the property~~  
3 ~~frontage to the city, as needed, for the construction of public sidewalks,~~  
4 ~~bus turn-out facilities and/or bus shelters. Such deeding or conveyance of~~  
5 ~~required easements, or a portion of same, shall not be required if it would~~  
6 ~~render the property unusable for development. A transit facility license~~  
7 ~~agreement (executed by the property owner and the city) for the placement~~  
8 ~~of a bus shelter and related facilities on private property may be used in~~  
9 ~~lieu of deeding or conveyance of easements if agreeable to the city. The~~  
10 ~~license term shall be for a minimum of ten years.~~

11  
12 d. ~~Closure of existing excessive, duplicative, or unsafe curb cuts or~~  
13 ~~narrowing of overly wide curb cuts at the development site, as defined in~~  
14 ~~the access management portion of the Land Development Code.~~

15  
16 e. ~~Safe and convenient on-site pedestrian circulation such as sidewalks and~~  
17 ~~crosswalks connecting buildings and parking areas at the development~~  
18 ~~site.~~

19  
20 ~~Transportation modifications which are required due to traffic safety and/or~~  
21 ~~operating conditions and which are unrelated to transportation mobility needs~~  
22 ~~shall be provided by the developer.~~

23  
24 (2) ~~Within Zones B, C, D, E, or M new development or redevelopment shall provide~~  
25 ~~all of the items listed in (b)(1) a. through e. and meet required standards, as~~  
26 ~~specified in the zone requirements (as relevant to its respective zone), to address~~  
27 ~~transportation mobility needs within the TCEA. Transportation modifications~~  
28 ~~which are required due to traffic safety and/or operating conditions and which are~~  
29 ~~unrelated to transportation mobility needs shall be provided by the developer and~~  
30 ~~any such items provided shall not count towards meeting required standards~~  
31 ~~relevant to the zone.~~

32  
33 (3) ~~Within Zone B, development or redevelopment shall be required to meet the~~  
34 ~~following development standards, provided at developer expense, based on the~~  
35 ~~development's (including all phases) trip generation and proportional impact on~~  
36 ~~transportation mobility needs. The developer shall sign a development agreement~~  
37 ~~or contract with the City of Gainesville for the provision of these standards. The~~  
38 ~~choice of standards shall be subject to the final approval of the city during the~~  
39 ~~plan approval process. The standards chosen shall relate to the particular~~  
40 ~~transportation conditions and priorities in Zone B or adjacent areas. The developer~~

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

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

7           Zone B Standards

- 8
- 9           ~~a. — Intersection and/or signalization modifications to improve level of service~~  
 10           ~~and safety and address congestion management. This may include, but is~~  
 11           ~~not limited to: signal timing studies, fiber optic inter-connection for traffic~~  
 12           ~~signals, roundabouts, OPTICOM signal preemption, and/or~~  
 13           ~~implementation of elements of the Gainesville Traffic Signalization~~  
 14           ~~Master Plan Update. Implementation of the master plan includes~~  
 15           ~~installation of intelligent transportation system (ITS) features such as state~~  
 16           ~~of the art traffic signal controllers, dynamic message signs, and traffic~~  
 17           ~~monitoring cameras designed to maximize the efficiency of the roadway~~  
 18           ~~network by reducing congestion and delay.~~
- 19
- 20           ~~b. — Funding for the construction of a new or expanded bus~~  
 21           ~~maintenance/operations facility.~~
- 22
- 23           ~~c. — Construction of bus shelters built to city specifications or bus shelter~~  
 24           ~~lighting using solar technology designed and constructed to city~~  
 25           ~~specifications.~~
- 26
- 27           ~~d. — Construction of bus turn-out facilities.~~
- 28

- 1 e. ~~Provision of bus pass programs provided to residents and/or employees of~~  
2 ~~the development. The bus passes must be negotiated as part of a contract~~  
3 ~~with the Regional Transit System.~~  
4
- 5 f. ~~Payments to the Regional Transit System, which either increase service~~  
6 ~~frequency or add additional bus service, including express transit service~~  
7 ~~or bus rapid transit, where appropriate.~~  
8
- 9 g. ~~Construction of public sidewalks where they are not currently existing.~~  
10 ~~Sidewalk construction required to meet Land Development Code~~  
11 ~~requirements along property frontages shall not count as meeting TCEA~~  
12 ~~standards.~~  
13
- 14 h. ~~Widening of existing public sidewalks to increase pedestrian mobility and~~  
15 ~~safety.~~  
16
- 17 i. ~~Deeding of land for the addition and construction of bicycle lanes, or~~  
18 ~~construction of bicycle lanes to city specifications.~~  
19
- 20 j. ~~Provision of ride sharing or van pooling programs.~~  
21
- 22 k. ~~Use of joint driveways or cross access to reduce curb cuts.~~  
23
- 24 l. ~~Provision of park and ride facilities.~~  
25
- 26 m. ~~Funding of streetscaping/landscaping (including pedestrian scale lighting,~~  
27 ~~where relevant) on public rights of way or medians, as coordinated with~~  
28 ~~the implementation of the city's streetscaping plans.~~  
29
- 30 n. ~~Business operations that can be proved to have limited or no peak hour~~  
31 ~~roadway impact.~~  
32
- 33 e. ~~Provision of shading through awnings or canopies over public sidewalk~~  
34 ~~areas to promote pedestrian traffic and provide protection from the~~  
35 ~~weather so that walking is encouraged. The awning or canopy shall~~  
36 ~~provide pedestrian shading for a significant length of the public sidewalk~~  
37 ~~in front of the proposed or existing building.~~  
38



- 1 p. ~~Provision of additional bicycle parking over the minimum required by the~~  
2 ~~Land Development Code. Additional bicycle parking may be used to~~  
3 ~~substitute for the required motorized vehicle parking.~~  
4
- 5 q. ~~In order to increase the attractiveness of the streetscape and reduce visual~~  
6 ~~clutter along roadways, which promotes a more walkable environment,~~  
7 ~~provision of no ground-mounted signage at the site for parcels with 100~~  
8 ~~linear feet or less of property frontage. Or, removal of non-conforming~~  
9 ~~signage or billboards at the site. Signage must meet all other regulations in~~  
10 ~~the Land Development Code.~~  
11
- 12 r. ~~Enhancements to the city's greenway system (as shown in the~~  
13 ~~transportation mobility map series) which increase its utility as a multi-~~  
14 ~~modal transportation route. Such enhancements may include, but not be~~  
15 ~~limited to: 1) trail amenities such as benches, directional signage, or safety~~  
16 ~~systems; 2) bicycle parking at entry points or connecting with transit lines;~~  
17 ~~3) land acquisition for expansion or better connectivity of the greenway~~  
18 ~~system; 4) additional entry points to the greenway system; 5) bridges~~  
19 ~~spanning creeks or wetland areas; and/or, 6) appropriate trail surfacing.~~  
20
- 21 s. ~~Participation in a transportation demand management program that~~  
22 ~~provides funding or incentives for transportation modes other than single~~  
23 ~~occupant vehicle. Such demand management programs shall provide~~  
24 ~~annual reports of operations to the city indicating successes in reducing~~  
25 ~~single occupant vehicle trips.~~  
26
- 27 t. ~~Clustering of and design of the development for maximum density, or~~  
28 ~~maximum FAR, at the site which preserves open space, reduces the need~~  
29 ~~for development of vacant lands, enhances multi-modal opportunities and~~  
30 ~~provides transit-oriented densities or intensities.~~  
31
- 32 u. ~~Construction of new road facilities, including bicycle and pedestrian~~  
33 ~~facilities, which provide alternate routes to reduce congestion.~~  
34
- 35 v. ~~Addition of lanes on existing road facilities (including, but not limited to,~~  
36 ~~the expansion of SR 121 north of US 441 to CR 231 to four lanes), where~~  
37 ~~acceptable to the city and/or MTPO, as relevant.~~  
38
- 39 w. ~~An innovative transportation-related modification or standard submitted~~  
40 ~~by the developer, where acceptable to and approved by the city.~~

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(4) ~~Within Zone C, development or redevelopment shall be required to meet the following development standards, provided at developer expense, based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The developer shall sign an agreement with the City of Gainesville for the provision of these standards. The choice of standards shall be subject to the final approval of the city during the plan approval process. The standards chosen shall relate to the particular transportation conditions and priorities in Zone C or adjacent areas. In recognition of the varying costs associated with the standards, the city shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the City, as meeting two or more standards.~~

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 three standards
<u>100 to 400</u>	At least 4.5 standards
400 to 999	At least 7.5 standards
Greater than 1,000 trips but less than 5,000 trips	At least twelve standards
Greater than 5,000 trips	At least eighteen standards and meet a. or b. below: a. <del>Be on an existing transit route</del> b. <del>Provide funding for a new transit route</del>

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~~Zone C Standards~~

a. ~~Roadway projects to: provide a more interconnected transportation network in the area, provide alternate routes to reduce congestion, and reduce pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. These projects include, but are not limited to the following projects, and may include projects outside the limits of the TCEA that can be demonstrated to be a direct benefit to the transportation system in the area of the TCEA:~~

1. ~~Extension of SW 40th Boulevard to connect from its terminus south of Archer Road to SW 47th Avenue;~~

- 1                                   2. ~~Extension of SW 47th Avenue to connect from its terminus east~~  
 2                                   ~~and south to Williston Road; and~~  
 3  
 4                                   3. ~~In areas where redevelopment occurs: extension of streets, deeding~~  
 5                                   ~~of land, or easements to create a more gridded network and provide~~  
 6                                   ~~connectivity; and~~  
 7  
 8                                   4. ~~Extension of SW 40th Place from SW 27th Street to SW 47th~~  
 9                                   ~~Avenue.~~

10  
 11                                   ~~Developers may deed land for right of way and/or construct roadway extensions~~  
 12                                   ~~to city specifications. Prior to the donation of the right of way, the developer and~~  
 13                                   ~~the city must agree upon the fair market value of the land for the purposes of~~  
 14                                   ~~meeting this standard. In the event the parties cannot agree as to the value of the~~  
 15                                   ~~land, the developer may submit an appraisal acceptable to the city for purposes of~~  
 16                                   ~~establishing value, subject to review by the city.~~

17  
 18                                   b. ~~Intersection and/or signalization modifications to improve level of service~~  
 19                                   ~~and safety and address congestion management. This may include, but is~~  
 20                                   ~~not limited to: signal timing studies, fiber optic inter-connection for traffic~~  
 21                                   ~~signals, roundabouts, OPTICOM signal preemption, and/or~~  
 22                                   ~~implementation of elements of the Gainesville Traffic Signalization~~  
 23                                   ~~Master Plan Update. Implementation of the master plan includes~~  
 24                                   ~~installation of intelligent transportation system (ITS) features such as state~~  
 25                                   ~~of the art traffic signal controllers, dynamic message signs, and traffic~~  
 26                                   ~~monitoring cameras designed to maximize the efficiency of the roadway~~  
 27                                   ~~network by reducing congestion and delay.~~

28  
 29                                   e. ~~Construction of bus shelters built to city specifications.~~

30  
 31                                   d. ~~Bus shelter lighting using solar technology to city specifications.~~

32  
 33                                   e. ~~Construction of bus turn-out facilities to city specifications.~~

34  
 35                                   f. ~~Construction of bicycle and/or pedestrian facilities/trails to city~~  
 36                                   ~~specifications. This may include provision of bicycle parking at bus~~  
 37                                   ~~shelters or transit hubs or deeding of land for the addition and construction~~  
 38                                   ~~of bicycle lanes or trails.~~  
 39



- 1 ~~g. Payments to the Regional Transit System, which either increase service~~  
2 ~~frequency or add additional bus service, including express transit and bus~~  
3 ~~rapid transit, where appropriate.~~  
4
- 5 ~~h. Construction of public sidewalks where they are not currently existing or~~  
6 ~~completion of sidewalk connectivity projects. Sidewalk construction~~  
7 ~~required to meet Land Development Code requirements along property~~  
8 ~~frontages shall not count as meeting TCEA standards. The priority for~~  
9 ~~sidewalk construction shall be:~~  
10
- 11 1. ~~Along SW 35th Place east from SW 34th Street to SW 23rd Street;~~  
12
- 13 2. ~~Along SW 37th Boulevard/SW 39th Boulevard (north side) south~~  
14 ~~from Archer Road to SW 34th Street;~~  
15
- 16 3. ~~Along SW 27th Street from SW 35th Place to Williston Road for~~  
17 ~~pedestrian/transit connectivity; and,~~  
18
- 19 4. ~~Along the west side of SW 32nd Terrace from SW 35th Place to~~  
20 ~~the terminus of the University Towne Centre sidewalk system (at~~  
21 ~~the property line).~~  
22
- 23 ~~i. Use of joint driveways or cross-access connections to reduce curb cuts.~~  
24
- 25 ~~j. Funding of streetscaping/landscaping on public rights of way or medians,~~  
26 ~~as coordinated with the implementation of the city's streetscaping plans.~~  
27
- 28 ~~k. Pedestrian scale lighting in priority areas including:~~  
29
- 30 1. ~~SW 35th Place;~~  
31
- 32 2. ~~SW 37th/39th Blvd.;~~  
33
- 34 3. ~~SW 23rd Terrace; and~~  
35
- 36 4. ~~Williston Road.~~  
37
- 38 ~~l. Business operations that can be proven to have limited or no peak hour~~  
39 ~~roadway impact.~~  
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- ~~m. — Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.~~
- ~~n. — Provision of matching funds for transit or other transportation mobility related grants.~~
- ~~o. — Participation in a transportation demand management program that provides funding or incentives for transportation modes other than single occupant vehicle. Such demand management programs shall provide annual reports of operations to the city indicating successes in reducing single occupant vehicle trips.~~
- ~~p. — Funding for the construction of a new or expanded bus maintenance/operations facility.~~
- ~~q. — An innovative transportation related modification or standard submitted by the developer, where acceptable to and approved by the City.~~

~~(5) — The city establishes the following priority for projects in Zone C. For developments east of SW 34th Street in Zone C the priority shall be:~~

- ~~a. — Construction of an off-street pedestrian path on one side of SW 35th Place from SW 34th Street to SW 23rd Terrace.~~
- ~~b. — A roundabout at SW 23rd Terrace and SW 35th Place.~~

~~— For developments west of SW 34th Street in Zone C the priority shall be:~~

- ~~a. — Construction of a southerly extension of SW 40th Boulevard from its current end south of its intersection with Archer Road to the intersection of SW 47th Avenue. This roadway connection shall include bicycle and pedestrian facilities.~~
- ~~b. — Funding for the construction of a new or expanded bus maintenance/operations facility.~~

~~(6) — Within Zone D, development or redevelopment shall be required to meet the following development standards, provided at developer expense, based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The developer shall sign an agreement with the~~

1 City of Gainesville for the provision of these standards. The choice of standards  
 2 shall be subject to the final approval of the city during the plan approval process.  
 3 The standards chosen shall relate to the particular transportation conditions and  
 4 priorities in Zone D or adjacent areas. In recognition of the varying costs  
 5 associated with the standards, the city shall have the discretion to count some  
 6 individual standards, based on cost estimates provided by the developer and  
 7 verified by the city, as meeting two or more standards.  
 8

Net, new average daily trip generation	Number of standards which must be met
Less than 50	At least 1.5 standards
50 to less than 100	At least four standards
100 to 400	At least six standards
400 to 999	At least ten standards
Greater than 1,000 trips but less than 5,000 trips	At least 16 standards
Greater than 5,000 trips	At least 24 standards and meet a. or b. below: a. Be on an existing transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS b. Provide funding for a new transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS or provide funding to improve transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS. Funding for new routes shall include capital and operating costs for a minimum of five years. Funding for existing route expansions shall include capital and operating costs for three years.

9  
 10 **Zone D Standards**

11 a. ~~\_\_\_\_\_ Roadway projects to: provide a more interconnected transportation~~  
 12 ~~network in the area, provide alternate routes to reduce congestion, and~~  
 13 ~~reduce pressure on arterials. All roadway projects shall include bicycle~~  
 14 ~~and pedestrian facilities. These projects include, but are not limited to the~~  
 15 ~~following projects, and may include projects outside the limits of the~~  
 16 ~~TCEA or Zone D that can be demonstrated to be a direct benefit to the~~  
 17 ~~transportation system in the area of the TCEA:~~

- 18  
 19 1. ~~\_\_\_\_\_ Extension of SW 40th Boulevard to connect from its terminus~~  
 20 ~~south of Archer Road to SW 47th Avenue;~~  
 21



2. ~~Extension of streets, deedings of land, or easements to create a more gridded network and provide connectivity~~

~~Developers may deed land for right of way and/or construct roadway extensions to city specifications. Prior to the donation of the right of way, the developer and the city must agree upon the fair market value of the land for the purposes of meeting this standard. In the event the parties cannot agree as to the value of the land, the developer may submit an appraisal acceptable to the city for purposes of establishing value, subject to review by the city.~~

b. ~~Construction of bus shelters built to city specifications.~~

c. ~~Bus shelter lighting using solar technology to city specifications.~~

d. ~~Construction of bus turn-out facilities to City specifications.~~

e. ~~Construction of bicycle and/or pedestrian facilities/trails to city specifications. This may include provision of bicycle parking at bus shelters or transit hubs or deedings of land for the addition and construction of bicycle lanes or trails.~~

f. ~~Payments to the Regional Transit System, which either increase service frequency or add additional bus service, including Express Transit and Bus Rapid Transit, where appropriate.~~

g. ~~Construction of public sidewalks where they are not currently existing or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TCEA standards.~~

h. ~~Funding for the construction of a new or expanded bus maintenance/operations main facility.~~

i. ~~Business operations that can be proven to have limited or no peak hour roadway impact.~~

j. ~~Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.~~

1 k. ~~Provision of matching funds for transit or other transportation mobility-~~  
 2 ~~related grants.~~

3  
 4 l. ~~Construction of Park and Ride facilities built to RTS standards and~~  
 5 ~~requirements for the area.~~

6  
 7 m. ~~An innovative transportation related modification or standard submitted~~  
 8 ~~by the developer, where acceptable to and approved by the city.~~

9  
 10 (7) ~~The City establishes the following priority for projects in Zone D:~~

11  
 12 a. ~~Construction of a southerly extension of SW 40th Boulevard from its~~  
 13 ~~current end south of its intersection with Archer Road to the intersection~~  
 14 ~~of SW 47th Avenue. This roadway connection shall include bicycle and~~  
 15 ~~pedestrian facilities.~~

16  
 17 b. ~~Funding for the construction of a new or expanded bus~~  
 18 ~~maintenance/operations facility.~~

19  
 20 (8) ~~Within Zone E, development or redevelopment shall be required to meet the~~  
 21 ~~following development standards, provided at developer expense, based on the~~  
 22 ~~development's (including all phases) trip generation and proportional impact on~~  
 23 ~~transportation mobility needs. The developer shall sign an agreement with the~~  
 24 ~~City of Gainesville for the provision of these standards. The choice of standards~~  
 25 ~~shall be subject to the final approval of the city during the plan approval process.~~  
 26 ~~The standards chosen shall relate to the particular transportation conditions and~~  
 27 ~~priorities in Zone E or adjacent areas. In recognition of the varying costs~~  
 28 ~~associated with the standards, the city shall have the discretion to count some~~  
 29 ~~individual standards, based on cost estimates provided by the developer and~~  
 30 ~~verified by the city, as meeting two or more standards.~~

31

Net, new average daily trip generation	Number of standards which must be met
Less than 50	At least 1.5 standards
50 to less than 100	At least four standards
100 to 400	At least six standards
400 to 999	At least ten standards
Greater than 1,000 trips but less than 5,000 trips	At least 16 standards

Greater than 5,000 trips	<p>At least 24 standards and meet a. or b. below:</p> <p>a. Be on an existing transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS</p> <p>b. Provide funding for a new transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS or provide funding to improve transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS. Funding for new routes shall include capital and operating costs for a minimum of five years. Funding for existing route expansions shall include capital and operating costs for three years.</p>
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~~Zone E Standards~~

a. ~~Roadway projects to: provide a more interconnected transportation network in the area, provide alternate routes to reduce congestion, and reduce pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. These projects include, but are not limited to the following projects, and may include projects outside the limits of Zone E or the TCEA that can be demonstrated to be a direct benefit to the transportation system in the area of the TCEA:~~

1. ~~Widening of SR 121 to four lanes north of US 441 to CR 231;~~
2. ~~Extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity;~~

~~Developers may deed land for right-of-way and/or construct roadway extensions to city specifications. Prior to the donation of the right-of-way, the developer and the city must agree upon the fair market value of the land for the purposes of meeting this standard. In the event the parties cannot agree as to the value of the land, the developer may submit an appraisal acceptable to the city for purposes of establishing value, subject to review by the city.~~

b. ~~Construction of bus shelters built to city specifications, where transit service is available.~~

e. ~~Bus shelter lighting using solar technology to city specifications, where transit service is available.~~



- 1           d. ~~Construction of bus turn-out facilities to city specifications, where transit~~  
2           ~~service is available.~~  
3
- 4           e. ~~Construction of bicycle and/or pedestrian facilities/trails to city~~  
5           ~~specifications. This may include provision of bicycle parking at bus~~  
6           ~~shelters or transit hubs or deeding of land for the addition and construction~~  
7           ~~of bicycle lanes or trails.~~  
8
- 9           f. ~~Payments to the Regional Transit System, which either increase service~~  
10           ~~frequency or add additional bus service, including express transit and bus~~  
11           ~~rapid transit, where appropriate.~~  
12
- 13          g. ~~Construction of public sidewalks where they are not currently existing or~~  
14           ~~completion of sidewalk connectivity projects. Sidewalk construction~~  
15           ~~required to meet Land Development Code requirements along property~~  
16           ~~frontages shall not count as meeting TCEA standards.~~  
17
- 18          h. ~~Funding for the construction of a new or expanded bus~~  
19           ~~maintenance/operations main facility.~~  
20
- 21          i. ~~Business operations that can be proven to have limited or no peak hour~~  
22           ~~roadway impact.~~  
23
- 24          j. ~~Design and/or construction studies/plans for projects such as planned~~  
25           ~~roundabouts, road connections, sidewalk systems, and/or bike trails.~~  
26
- 27          k. ~~Provision of matching funds for transit or other transportation mobility-~~  
28           ~~related grants.~~  
29
- 30          l. ~~Construction of Park and Ride facilities built to RTS standards and~~  
31           ~~requirements for the area.~~  
32
- 33          m. ~~An innovative transportation related modification or standard submitted~~  
34           ~~by the developer, where acceptable to and approved by the city.~~  
35
- 36          (9) ~~The City establishes the following priority for projects in Zone E.~~  
37
- 38           a. ~~widening of SR 121 to four lanes north of US 441 to CR 231.~~  
39

b. — ~~Funding for the construction of a new or expanded bus maintenance/operations facility.~~

(10) — ~~Within Zone M, development or redevelopment shall be required to meet standards by making a proportionate share payment of the planned costs to fund mobility, including transit, pedestrian, bicycle, and vehicular needs, in the zone. This may include projects outside the limits of Zone M (in adjacent areas) that can be demonstrated to be a direct benefit to the transportation system in the area of Zone M. The proportionate share shall be based on the development's (including all phases) trip generation and proportional impact on transportation mobility facilities calculated as set forth in section 30-37.3(d), *Determining proportionate fair share obligation*, subsections (1), (2) and (3). In addition to making the proportionate share payment, development or redevelopment that has a net, new average daily trip generation of greater than 5,000 trips shall either be located on an existing transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS or shall provide funding for a new transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS or provide funding to improve transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS. Funding for new routes shall include capital and operating costs for a minimum of five years. Funding for existing route expansions, shall include capital and operating costs for three years. The developer shall sign an agreement with the City of Gainesville for the provision of mobility needs. The following is a list of mobility needs projects in Zone M:~~

a. — ~~Roadway projects to: provide a more interconnected transportation network in the area, provide alternate routes to reduce congestion, and reduce pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. These projects include, but are not limited to the following projects:~~

- 1. — ~~Extension of Hull Road consistent with MTPO Option M;~~
- 2. — ~~Extension of SW 62nd Boulevard to SW Archer Road in accordance with the MTPO design; and~~
- 3. — ~~Extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity;~~

1           ~~Developers may deed land for right of way and/or construct roadway extensions~~  
2           ~~to city specifications. Prior to the donation of the right of way, the developer and~~  
3           ~~the city must agree upon the fair market value of the land for the purposes of~~  
4           ~~meeting this standard. In the event the parties cannot agree as to the value of the~~  
5           ~~land, the developer may submit an appraisal acceptable to the city for purposes of~~  
6           ~~establishing value, subject to review by the city.~~

7  
8           ~~b. — Eight articulated buses.~~

9  
10          ~~e. — Funding for the construction of a new or expanded bus~~  
11          ~~maintenance/operations facility.~~

12  
13          ~~d. — Construction of four transit superstops on SW 20th Avenue built to city~~  
14          ~~specifications.~~

15  
16          ~~e. — A Park and Ride facility with a minimum of 100 spaces, including transfer~~  
17          ~~station and restrooms/information center, built to RTS specifications.~~

18  
19          ~~f. — Traffic management system equipment for transit vehicles operating in~~  
20          ~~Zone M.~~

21  
22          ~~g. — Payments to the Regional Transit System for the capital and operating~~  
23          ~~costs associated with Route 62, which includes two new buses.~~

24  
25          ~~h. — Construction of public sidewalks where they are not currently existing or~~  
26          ~~completion of sidewalk connectivity projects. Sidewalk construction~~  
27          ~~required to meet Land Development Code requirements along property~~  
28          ~~frontages shall not count as meeting TCEA requirements.~~

29  
30          ~~i. — Business operations that can be proven to have limited or no peak hour~~  
31          ~~roadway impact.~~

32  
33          ~~j. — Design and/or construction studies/plans for projects such as planned~~  
34          ~~roundabouts, road connections, sidewalk systems, and/or bike trails.~~

35  
36          ~~k. — Funding for express transit and bus rapid transit, where appropriate.~~  
37



1 l. — ~~An innovative transportation related modification or standard submitted~~  
2 ~~by the developer, where acceptable to and approved by the city.~~

3  
4 m. — ~~Funding for two buses for Route 22.~~

5  
6 ~~(e) — Redevelopment policies in the state-mandated TCEA.~~

7  
8 (1) — ~~Redevelopment or expansions of existing developments, which generate fewer~~  
9 ~~than ten net, new average daily trips or two net, new p.m. peak hour trips (based~~  
10 ~~on adjacent street traffic), shall not be required to meet (b)(1) — (10) above.~~

11  
12 (2) — ~~Within Zones B, C, D, E, or M, in order to encourage redevelopment and~~  
13 ~~desirable urban design and form, developments meeting standards such as neo-~~  
14 ~~traditional, new urbanist, or mixed-use development which includes a mix of both~~  
15 ~~residential and nonresidential uses at transit-oriented densities shall be provided~~  
16 ~~credits, in relation to the multi-modal amenities provided, toward meeting the~~  
17 ~~standards in (b)(3) — (10) above, as relevant.~~

18  
19 (3) — ~~In order to encourage the redevelopment of chronically vacant buildings located~~  
20 ~~within one-fourth mile of the property lines of an Existing or Potential Transit~~  
21 ~~Hub (as shown in the Existing and Potential Transit Hubs Map adopted in the~~  
22 ~~Transportation Mobility Element) and to reduce or prevent blight, the city shall~~  
23 ~~reduce the number of trips for standards (as relevant for the zone) that must be~~  
24 ~~met in these areas by 20 percent for redevelopment or expansion/conversion~~  
25 ~~projects.~~

26  
27 ~~(d) — Design policies in the state-mandated TCEA.~~

28  
29 (1) — ~~The city shall use the Central Corridors Overlay District Design Standards in the~~  
30 ~~Land Development Code for development/redevelopment projects within the~~  
31 ~~TCEA. These standards include consideration of building placement, location of~~  
32 ~~parking, sidewalks, building wall articulation, and placement of mechanical~~  
33 ~~equipment and shall be the guiding design standards for development/~~  
34 ~~redevelopment on roadways in the TCEA which are listed in the annual level of~~  
35 ~~service report produced by the North Central Florida Regional Planning Council.~~

36  
37 ~~Within Zone C, the build-to-line may be modified on Archer Road, SW 34th~~  
38 ~~Street, and Williston Road due to right-of-way or utility constraints, consistent~~

~~with requirements as described in the special area plan for central corridors, City Land Development Code. These design standards requirements shall not override design standards adopted as part of a special area plan, overlay district, or planned development.~~

~~(2) New development of automotive-oriented uses located within the TCEA, such as retail petroleum sales (gasoline service stations), car washes, automotive repair, and limited automotive services (as defined in the Land Development Code), shall be designed to locate service bays and fueling (gas) pumps to the rear of buildings located on the site. These design standards shall not apply in industrial zoning districts. The number of fueling positions shall be regulated by TCEA policies.~~

~~(e) Auto-oriented uses in the state-mandated TCEA. Automobile-oriented developments/uses including drive-through facilities, surface parking lots as a principal use, parking garages, car washes, and gasoline service stations shall be regulated as follows within the TCEA.~~

~~(1) The City may establish pedestrian, transit, and bicycle-oriented areas, through a special area plan overlay zone adopted within the Land Development Code, which prohibit or further regulate automobile-oriented developments/uses beyond the standards set by the TCEA.~~

~~(2) Special area plan overlay district regulations (such as the College Park Special Area Plan and the Traditional City) that prohibit and regulate automobile-oriented developments/uses, as described in subsection (e) above, shall not be modified by provisions or policies of the TCEA.~~

~~(3) New development of surface parking lots as a principal use shall be required to obtain a special use permit. In addition to the review criteria set in the Land Development Code for special use permits, the approval of the special use permit shall be based on consideration of the size/scale of the proposed surface parking lot and the inclusion of design and access features which maintain pedestrian, bicycle and transit safety and do not discourage pedestrian, bicycle and transit use in the area.~~

~~(4) Drive-through facilities shall be defined to include banking facilities, payment windows, restaurant, food and or/beverage sales, dry cleaning, express mail services and other services that are extended mechanically or personally to customers who do not exit their vehicles. The following uses shall not be considered drive-throughs: auto fuel pumps and depositories which involve no~~

1 ~~immediate exchange or dispersal to the customer, such as mail boxes, library book~~  
 2 ~~depositories, and recycling facilities.~~

3  
 4 (5) ~~In addition to the review criteria set in the Land Development Code for special~~  
 5 ~~use permits, the following review standards for drive-through facilities shall be~~  
 6 ~~included:~~

7  
 8 a. ~~Maximization of pedestrian and bicycle safety and convenience;~~

9  
 10 b. ~~Adequate queuing space for vehicles such that there is no back-up of~~  
 11 ~~traffic onto adjacent roadways;~~

12  
 13 c. ~~Provision of a by-pass lane or sufficient driveway area around the drive-~~  
 14 ~~through lanes to assist internal vehicular circulation;~~

15  
 16 d. ~~Minimization of the visual impacts of the drive-through lanes on street~~  
 17 ~~frontage areas;~~

18  
 19 e. ~~Minimization of the total number of drive-through lanes based on site~~  
 20 ~~conditions and the operating conditions of the impacted roadway~~  
 21 ~~segments;~~

22  
 23 f. ~~Minimization of the number of access points to roadways;~~

24  
 25 g. ~~Design of access points and ingress/egress direction flows to minimize~~  
 26 ~~impacts on the roadway and non-motorized traffic;~~

27  
 28 h. ~~Design of internal pedestrian access and safety as related to the position of~~  
 29 ~~the drive-through lane(s); and~~

30  
 31 i. ~~Meeting any additional design criteria established in the Land~~  
 32 ~~Development Code.~~

33  
 34 (6) ~~Unless otherwise prohibited or regulated by a special area plan, the development~~  
 35 ~~of new free-standing drive-through facilities or expansion of or development~~  
 36 ~~activity at existing free-standing drive-through facilities, not meeting the~~  
 37 ~~provisions of subsection (e)(7) below, shall be required to obtain a special-use~~  
 38 ~~permit. These drive-through facilities shall meet the special-use permit criteria~~



1 ~~shown in the Land Development Code and review criteria shown in subsection~~  
2 ~~(e)(5) above. In addition, drive-through facilities not developed under the~~  
3 ~~provisions of subsection (e)(7) or (e)(8) below shall also meet the following~~  
4 ~~standards:~~

5  
6 a. ~~There shall be a minimum distance of 400 feet between the driveways of~~  
7 ~~sites with free-standing drive-through facilities on roadways operating at~~  
8 ~~85 percent or more of capacity. Roadway capacity shall be measured using~~  
9 ~~the latest version of Art Plan or a method deemed acceptable by the~~  
10 ~~technical advisory committee subcommittee of the Metropolitan~~  
11 ~~Transportation Planning Organization. Available capacity shall include~~  
12 ~~consideration of reserved trips for previously approved developments and~~  
13 ~~the impacts of the proposed development. The 400-foot distance~~  
14 ~~requirement shall not apply if any of the following criteria are met:~~

15  
16 1. ~~Joint driveway access or common access is provided between the~~  
17 ~~sites with free-standing drive-through facilities.~~

18  
19 2. ~~Cross access is provided with an adjoining property.~~

20  
21 3. ~~A public or private road intervenes between the two sites.~~

22  
23 4. ~~The development provides a functional design of such high quality~~  
24 ~~that the pedestrian/sidewalk system and on-site/off-site vehicular~~  
25 ~~circulation are not compromised by the drive-through facility. This~~  
26 ~~determination shall be made as part of the special use permit and~~  
27 ~~development plan review process and shall be based on staff and/or~~  
28 ~~board review and approval.~~

29  
30 b. ~~There shall be no credit for pass-by trips in association with the drive-~~  
31 ~~through facility. Standards which must be met under subsection (b)(3), (4),~~  
32 ~~(6), (8), or (10) above, as relevant to the zone, shall be based on total trip~~  
33 ~~generation for the use and shall not include any net reduction for pass-by~~  
34 ~~trips.~~

35  
36 ~~(7) Unless otherwise prohibited or regulated by a special area plan, the development~~  
37 ~~of new free-standing drive-through facilities or expansion of or development~~  
38 ~~activity at existing free-standing drive-through facilities shall be permitted, by~~  
39 ~~right, only within shopping centers or mixed-use centers. No direct access~~

1 ~~connections from the street to the drive-through shall be allowed. Access to the~~  
 2 ~~drive-through shall be through the shopping center or mixed-use center parking~~  
 3 ~~area. Mixed-use centers shall be defined as developments regulated by a unified~~  
 4 ~~development plan consisting of three or more acres, having a minimum of 25,000~~  
 5 ~~square feet of gross floor area, and providing centralized motorized vehicle access~~  
 6 ~~and a mix of at least three uses which may include residential or nonresidential~~  
 7 ~~uses in any combination. Mixed-use centers may include planned developments~~  
 8 ~~which meet the criteria listed in this policy. Development plan approval for the~~  
 9 ~~drive-through facility shall be based on the inclusion of appropriate pedestrian,~~  
 10 ~~bicycle and transit features which facilitate and encourage convenience, safety,~~  
 11 ~~and nonmotorized use of the site; design of safe internal pedestrian access as~~  
 12 ~~related to the position of the drive-through lane(s); and meeting design criteria~~  
 13 ~~established in the Land Development Code. Drive-through facilities meeting the~~  
 14 ~~criteria shown in this policy shall also receive an internal capture trip credit and~~  
 15 ~~credit for pass-by trips.~~

16  
 17 ~~(8) — The development of new drive-through facilities shall be permitted, by special use~~  
 18 ~~permit, when part of a single, mixed-use building, having more than one business~~  
 19 ~~or use at the site, where the minimum square footage of the mixed-use building is~~  
 20 ~~25,000 square feet. Only one drive-through use at such sites shall be allowed. In~~  
 21 ~~addition to the review criteria set in the Land Development Code for special use~~  
 22 ~~permits, the approval of the special use permit shall be based on the inclusion of~~  
 23 ~~pedestrian, bicycle and transit features which facilitate and encourage~~  
 24 ~~convenience, safety and nonmotorized use of the site; design of safe internal~~  
 25 ~~pedestrian access as related to the position of the drive-through lane(s); and~~  
 26 ~~meeting design criteria established in the Land Development Code. Drive-through~~  
 27 ~~facilities meeting the criteria shown in this policy shall also receive an internal~~  
 28 ~~capture trip credit and credit for pass-by trips.~~

29  
 30 ~~(9) — Within the TCEA, retail petroleum sales at service stations and/or car washes,~~  
 31 ~~either separately, or in combination with the sale of food or with eating places,~~  
 32 ~~shall be required to obtain a special use permit. In addition to the review criteria~~  
 33 ~~set in the Land Development Code for special use permits, the following review~~  
 34 ~~standards shall be included:~~

35  
 36 ~~a. — Site design shall enhance pedestrian/bicycle access to any retail or~~  
 37 ~~restaurant facilities on site. Sidewalk connections or marked pedestrian~~  
 38 ~~crosswalks shall be shown on the site plan.~~

b. ~~The number and width of driveways shall be minimized.~~

c. ~~Except where more stringently regulated by a special area plan or overlay district, the maximum number of fueling positions shall be set as follows:~~

1. ~~No limitation on fueling positions in the industrial zoning categories;~~

2. ~~Six fueling positions in the Mixed Use Low land use category or Mixed Use 1 zoning district;~~

3. ~~Until adoption, in the Land Development Code, of specific architectural and design standards, six fueling positions in all other zoning categories where gasoline service stations (retail petroleum sales) or food stores with accessory gasoline and alternative fuel pumps are allowed. In the interim period before the adoption of architectural and design standards, additional fueling positions, up to a maximum of 12, may be allowed as part of a planned development rezoning or special use permit process, with the final approval of the city commission, based on meeting all of the following conditions:~~

A. ~~The size of the site can safely accommodate the additional fueling positions while meeting all required landscaping, buffering, and other Land Development Code requirements;~~

B. ~~Site access and traffic safety conditions on adjacent roadways and intersections are not compromised by the additional trips generated by the additional fueling positions;~~

C. ~~Pedestrian/bicycle safety and comfort in the area are not compromised by the additional trips generated by the additional fueling positions;~~

D. ~~The architectural and site design are of such high quality that they enhance the site area and promote the city's multi-modal and design goals. As part of a planned development~~



1 rezoning or special use permit review process, the  
2 developer shall provide a development plan, elevations and  
3 architectural renderings of the proposed site including  
4 details such as, but not limited to, façade treatment, colors,  
5 lighting, roof detail, signage, landscaping, building location  
6 relative to the street, and location of access points.  
7

8 E. ~~Cross access or joint driveway usage is provided to other~~  
9 ~~adjacent developments.~~

10  
11 F. ~~Retail convenience goods sales or a restaurant are included~~  
12 ~~in the development and designed such that pedestrian or~~  
13 ~~bicycle use of the site is encouraged. The retail~~  
14 ~~convenience goods sales or restaurant building and~~  
15 ~~development shall meet all of the following requirements:~~  
16

17 i. ~~Building(s) shall be placed close to the public~~  
18 ~~sidewalk for a substantial length of the site's linear~~  
19 ~~frontage;~~

20  
21 ii. ~~A minimum of 30 percent window area or glazing~~  
22 ~~at pedestrian level (between three feet above grade~~  
23 ~~and eight feet above grade) on all first-floor~~  
24 ~~building sides with street frontage. Windows or~~  
25 ~~glazing shall be at least 80 percent transparent;~~  
26

27 iii. ~~A pedestrian entry is provided from the public~~  
28 ~~sidewalk on the property frontage; or, near a~~  
29 ~~building corner when the building is on a corner lot;~~  
30

31 iv. ~~Off-street parking shall be located to the side or rear~~  
32 ~~of the building;~~  
33

34 v. ~~The building height and facade elevation are~~  
35 ~~appropriate for the site and surrounding zoned~~  
36 ~~properties.~~  
37

1 ~~Until adoption in the Land Development Code of specific architectural and design~~  
 2 ~~standards, ten fueling positions within one-fourth mile of an I-75 interchange. In the~~  
 3 ~~interim period before the adoption of architectural and design standards, additional~~  
 4 ~~fueling positions, to a maximum of 12, may be allowed as part of a planned development~~  
 5 ~~rezoning or special use permit process, with the final approval of the city commission,~~  
 6 ~~based on meeting all of the conditions shown in subsections A. — F. above.~~

7  
 8 ~~(10) Within the TCEA, development plans for the placement of new parking garages~~  
 9 ~~as a principal or accessory use shall address:~~

10  
 11 ~~a. Minimizing conflict with pedestrian and bicycle travel routes;~~

12  
 13 ~~b. Providing parking for residents, employees, or customers in order to~~  
 14 ~~reduce the need for on-site surface parking;~~

15  
 16 ~~c. Being located and designed to discourage vehicle access through~~  
 17 ~~residential streets;~~

18  
 19 ~~d. Designing facilities for compatibility with neighborhoods by including~~  
 20 ~~ground floor retail, office, or residential use/development (as appropriate~~  
 21 ~~for the zoning district) when located on a public street. The facility shall~~  
 22 ~~also have window and facade design that is sealed to relate to the~~  
 23 ~~surrounding area.~~

24  
 25 ~~(f) Streetscaping and landscaping requirements in the state-mandated TCEA.~~

26  
 27 ~~(1) New development within Zones B, C, D, E, and M shall be required to plant~~  
 28 ~~minimum 65-gallon-sized trees, 18 feet tall and 3.5 inches in trunk caliper, or~~  
 29 ~~their equivalent in winter-dug and hardened-off balled and burlapped trees for the~~  
 30 ~~required landscaping along roadways within Zone B as listed in the annual level~~  
 31 ~~of service report produced by the North Central Florida Regional Planning~~  
 32 ~~Council, selected from the tree list in the Land Development Code.~~

33  
 34 ~~(2) Within Zones C, D, E and M the 65-gallon tree landscaping requirement shall~~  
 35 ~~apply to all public or private streets. If 65-gallon or equivalent trees are not~~  
 36 ~~available, the number of required shade trees can be appropriately increased with~~  
 37 ~~the approval of the city arborist or designee.~~

1           ~~(3) — All new development sites within Zones B, C, D, E and M shall also be required~~  
2           ~~to install an automated irrigation system to preserve new landscaping.~~

3  
4           ~~(4) — Redevelopment sites shall be required to meet this landscaping policy at a 50~~  
5           ~~percent rate. Redevelopment sites where 40 percent or more of the developed area~~  
6           ~~(as defined in the Land Development Code) of the site is being altered shall also~~  
7           ~~be required to meet the automated irrigation system requirement.~~

8  
9           ~~(5) — Trees shall be planted on private property within buffer areas or on right-of-way,~~  
10           ~~if approved by the city. Land Development Code regulations shall specify the~~  
11           ~~type, size, and other standards for trees planted to meet TCEA requirements.~~

12  
13           ~~(6) — Developments within areas designated in the Land Development Code as~~  
14           ~~landscape exempt, areas within special area plans with pedestrian-oriented build-~~  
15           ~~to-line provisions, area within the approach and clear zone areas as specified on~~  
16           ~~the Gainesville Regional Airport master plan, and developments meeting the~~  
17           ~~criteria for rapid review as shown in the Land Development Code shall be~~  
18           ~~excluded from these requirements.~~

19  
20           ~~(g) — Parking in the state-mandated TCEA. Within the TCEA, parking in excess of the~~  
21           ~~minimum required by the Land Development Code shall not be allowed. Developments may~~  
22           ~~apply for a parking reduction based on criteria in the Land Development Code.~~

23  
24           **NOTE: the two maps that are a part of this subsection are also repealed and deleted.**

25           **~~Sec. 30-39. Sunset provision.~~**

26           ~~The provisions of division 4 entitled "State-mandated Transportation Concurrence Exception~~  
27           ~~Area" within this article III shall sunset and be of no further force and effect on the date that the~~  
28           ~~comprehensive plan amendments contained in Ordinance No. 090184 and Ordinance No. 090185~~  
29           ~~become effective. Any application for a permit, development order or other official action of the~~  
30           ~~city requiring transportation concurrence properly filed with the city prior to the effective date of~~  
31           ~~the comprehensive plan amendments contained in Ordinance No. 090194 and Ordinance No.~~  
32           ~~090185 shall not be affected by this sunset provision and shall be subject to division 3 and~~  
33           ~~division 4, as applicable. Any application for a permit, development order or other official action~~  
34           ~~of the city requiring transportation concurrence filed after the effective date of the~~  
35           ~~comprehensive plan amendments contained in Ordinance No. 090184 and Ordinance No. 090185~~  
36           ~~shall be subject to the goals, objectives and policies relating to the transportation concurrence~~  
37           ~~exception area within the comprehensive plan.~~



1 Section 6. A new Article III, Division 3 of the City of Gainesville Land Development

2 Code is created as follows.

3 **DIVISION 3. - TRANSPORTATION MOBILITY PROGRAM**

4 **Sec. 30-37.1. - Intent and purpose.**

5 The purpose of this division is to implement the Transportation Mobility Program (TMP)  
6 adopted in the City of Gainesville Comprehensive Plan. The intent of this division is to clarify  
7 which transportation mobility regulations apply, encourage urban infill development and  
8 redevelopment, fund transportation mobility needs, reduce traffic congestion, and provide a  
9 range of transportation alternatives to benefit the overall transportation system.

10  
11 **Sec. 30-37.2. - Findings.**

12  
13 The City Commission finds that a range of transportation alternatives benefits the overall  
14 transportation system and has value to both the public and private sectors and that there is a need  
15 for strategies to provide for and fund mobility needs, and that the strategies set forth in the  
16 Comprehensive Plan's Transportation Mobility Element (Goal 10 and its associated objectives  
17 and policies):

- 18  
19 (1) Provide a method by which developers can support and fund mobility needs  
20 created by development;  
21  
22 (2) Contribute to the provision of adequate public facilities for future growth and  
23 promote a strong commitment to comprehensive facilities planning, thereby  
24 reducing the potential for moratoria or unacceptable lack of transportation  
25 alternatives to support development; and  
26  
27 (3) Maximize the use of public funds for adequate transportation facilities to serve  
28 future growth and may, in certain circumstances, allow the city to expedite  
29 transportation modifications by supplementing funds currently allocated for  
30 transportation mobility modifications in the Capital Improvements Element (CIE).  
31

32 **Sec. 30-37.3. - Procedures.**

33  
34 (a) Applicability. The TMP shall apply to all development within city limits, with the  
35 exception of annexed properties that do not yet have an adopted City of Gainesville land use  
36 category.

37  
38 (b) Requirements. The TMP requirements shall be administered according to the  
39 Transportation Mobility Program Area (TMPA), which shall include all property within city  
40 limits and shall be subdivided into designated Zones A, B, C, D, E and M as mapped in the  
41 Transportation Mobility Element Data and Analysis Report and in the city's Geographic

1 Information System (GIS). Any development within these zones shall comply with the  
 2 associated transportation mobility criteria as set forth in the Comprehensive Plan's  
 3 Transportation Mobility Element (Goal 10 and its associated objectives and policies).

4  
 5 **Section 7.** Section 30-333 in the City of Gainesville Land Development Code is  
 6 amended as follows.

7 **Sec. 30-333. - Excess parking requirements.**

8 Vehicular parking that exceeds the amount required by this chapter by more than ten spaces or  
 9 more than ten percent, whichever is greater, is termed excess parking. Excess parking is  
 10 prohibited in the Transportation Mobility Program Area (TMPA) TCEA ~~(transportation~~  
 11 ~~concurrency exception area)~~. If a proposed development provides excess parking, the following  
 12 requirements apply and may be imposed by the appropriate reviewing board at the time of  
 13 development plan review or by the ~~director of p~~Planning and ~~d~~Development ~~s~~Services  
 14 Department Director or designee if city plan board review is not required:

- 15  
 16 (1) Excess parking may be provided in grass or stabilized pervious surface areas  
 17 where it has been determined that:
- 18 a. There will be a low frequency of use;
  - 19 b. The nature of the proposed use is suitable to such parking surfaces; and
  - 20 c. There is reasonable certainty that grass or pervious parking will not  
 21 deteriorate the parking environment.
- 22  
 23 (2) If excess parking is hard-surfaced, the parking facilities shall be landscaped in  
 24 accordance with ~~a~~Article VIII, ~~landscaping sections~~, except that the amount of  
 25 landscaping materials required for the excess parking spaces shall be double the  
 26 required amount and shall be distributed throughout the site in accordance with  
 27 ~~a~~Article VIII.

28  
 29 **Section 8.** Appendix A, Section 4, Exhibit B (Special Area Plan for the Traditional City  
 30 Area Minimum Development Standards), Subsection (s)(2) of the City of Gainesville Land  
 31 Development Code is amended as follows. Except as amended herein, the remainder of  
 32 Appendix A, Section 4, Exhibit B remains in full force and effect.

33 **SECTION 4. - SPECIAL AREA PLAN FOR TRADITIONAL CITY**

34 **Exhibit B. Special Area Plan for the Traditional City Area Minimum Development Standards**

1 (s) *Specially regulated uses.*

2 (2) *Standard.* The following uses are allowed by special use permit.

3 ● Drive-throughs. In addition to conforming to the provisions of the  
4 ~~transportation concurrency exception area~~ Transportation Mobility Program Area  
5 (TMPA), drive-throughs:

6  
7 a. shall not have an entrance or exit onto an "A" street;

8 b. shall have only one drive-through lane; and

9  
10 c. shall be located at the rear or side of the building.  
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13 **Section 9.** Appendix A, Section 5, Exhibit B (Special Area Plan for the Central  
14 Corridors Minimum Development Standards), Subsection (h) of the City of Gainesville Land  
15 Development Code is amended as follows. Except as amended herein, the remainder of  
16 Appendix A, Section 5, Exhibit B remains in full force and effect.

17 **SECTION 5. - SPECIAL AREA PLAN FOR CENTRAL CORRIDORS**

18 Exhibit B. Special Area Plan for the Central Corridors Minimum Development Standards

19 (h) *Required compliance.* All new commercial, office, ~~and~~ civic and multi-family buildings  
20 and developments shall be required to comply with the sections of the text labeled "standards."  
21 Automotive dealers (both new and used vehicles) located on N. Main Street north of N. 16<sup>th</sup>  
22 Avenue and south of N. 53<sup>rd</sup> Avenue are exempt from standards of this special area plan as  
23 applied through the ~~Transportation Concurrency Exception Area~~ Transportation Mobility  
24 Program Area (TMPA).

25

26 **Section 10.** It is the intent of the City Commission that the provisions of Sections 1  
27 through 9 of this ordinance shall become and be made a part of the Code of Ordinances of the  
28 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be  
29 renumbered or relettered in order to accomplish such intent.

30 **Section 11.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
31 or the application hereof to any person or circumstance is held invalid or unconstitutional, such



1 finding shall not affect the other provisions or applications of this ordinance that can be given  
2 effect without the invalid or unconstitutional provision or application, and to this end the  
3 provisions of this ordinance are declared severable.

4 **Section 12.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
5 such conflict hereby repealed.

6 **Section 13.** This ordinance shall become effective immediately upon adoption.

7 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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\_\_\_\_\_  
EDWARD B. BRADY  
MAYOR

Attest:

Approved as to form and legality:

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19

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\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

21

22 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

23

24 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.