0-07-97

ORDINANCE NO.

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An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element and Future Land Use Map; by overlaying the "Planned Use District" category over certain property with the underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation," as more specifically described in this ordinance, consisting of approximately 498 acres, generally located in the vicinity of Waldo Road on the East, NE 39th Avenue on the South, NE 15th Street on the West, and NE 53rd Avenue on the North; by creating and adopting Policy 4.3.5 in the Future Land Use Element of the Comprehensive Plan; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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WHEREAS, publication of notice of a public hearing that the Future Land Use Map be amended by overlaying the land use category of "Planned Use District" over certain property with the underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation"; and

- WHEREAS, notice was given and publication made as required by law and public hearings were held by the City Plan Board on September 20, 2007, September 27, 2007 and October 4, 2007; and
- WHEREAS, notice was given and publication made as required by law and public hearings on the Petition were held by the City Commission on October 22, 2007, October 23, 2007, October 29, 2007, and April 16, 2008; and
- WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed Petition No. 23LUC-07PB -1-CODE: Words underlined are additions; words stricken are deletions; words highlighted, doubleunderlined and double-stricken are changes made after the transmittal hearing.

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I	ordinance and of the Public Hearing to be need in the City Commission Meeting Room, First Floo	
2	City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement wa	
3	published; and	
4	WHEREAS, pursuant to law, after the public hearing at the transmittal stage, the City of	
5	Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and	
6	WHEREAS, a second advertisement no less than two columns wide by 10 inches long was	
7	placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at	
8	the adoption stage at least five (5) days after the day the second advertisement was published; and	
9	WHEREAS, public hearings were held pursuant to the published and mailed notices	
10	described above at which hearings the parties in interest and all others had an opportunity to be and	
11	were, in fact, heard.	
12	WHEREAS, prior to adoption of this ordinance the City Commission has considered the	
13	comments, recommendations and objections, if any, of the State Land Planning Agency.	
14	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE	
15	CITY OF GAINESVILLE, FLORIDA:	
16	Section 1. The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive	
17	Plan is amended by overlaying the "Planned Use District" future land use category on the following	
18	described property with the underlying land use categories of "Single-Family (up to 8 units per	
19	acre)," "Industrial," and "Recreation," all as more specifically described and shown as follows:	
20 21 22	See map, labeled as "Hatchet Creek Planned Use District" dated May 29, 2008, attached hereto as Exhibit "A", and made a part hereof as if set forth in full.	

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- 2 The map attached as Exhibit "A" is adopted and added to the Future Land Use Map
- 3 Series A of the City of Gainesville Comprehensive Plan.
- 4 Section 2. Goal 4, Objective 4.3 of the Future Land Use Element of the City of Gainesville
- 5 2000-2010 Comprehensive Plan is amended by creating and adding Policy 4.3.5, which shall
- 6 govern and control the use and development of the property described in Exhibit "A." Except as
- amended herein, Goal 4, its Objectives and its Policies, all remain in full force and effect:
- 8 Goal 4
- The land use element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses neighborhood centers to provide goods and services to city residents; protects neighborhoods; distributes growth and economic activity throughout the city in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the city, the land use element shall promote statewide goals for compact development and efficient use of infrastructure.

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- Objective 4.3
- The City shall establish protection and enhancement policies, as needed, for selected neighborhood (activity) and regional centers.

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Policy 4.3.5 Due to the unique infrastructure and environmental constraints of the Hatchet Creek
Planned Use District (the "PUD"), as depicted on the map labeled Hatchet Creek
PUD Area in the Future Land Use Map Series A, the PUD shall be governed by the
following conditions:

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a. The residential density and allowable residential uses within the Planned
Use District is a maximum of 1,500 residential units and 300 Assisted
Living Facility (ALF) beds. The maximum number of residential units in
the Planned Development ("PD") zoning ordinance shall be 1,199
residential units and 300 ALF beds; provided however, if the State
Development of Regional Impact residential threshold is increased to
1,500 residential units or above, the owner may request that the PD zoning
ordinance, or an amendment thereto, allow up to 301 additional residential
units based upon a demonstration by the owner/developer that adequate
public or private facilities are available to serve the additional units and

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that the site for which the units are proposed is suitable for residential development.

- The non-residential and non-ALF intensity and allowable non-residential b. and non-ALF uses within the PUD is a maximum of 200,000 square feet of non-residential uses (to include a maximum of 100,000 square feet of retail space, a maximum of 100,000 square feet of office space and accessory uses customarily and clearly incidental to an active adult community). Any such accessory uses shall be for the exclusive use of the residents of the PUD and their guests and shall be specified in the Planned Development ("PD") zoning ordinance. In addition, the PUD may include recreational facilities as accessory uses that are customarily and clearly incidental to an active adult community or parks, open space, conservation, open space buffers and mitigation areas.
- The actual amount of residential units, ALF beds, and non-residential development area will be specified in the PD zoning ordinance as limited by the city, county and state development restrictions and constraints, including but not limited to, wetlands and surface water regulations, wellfield protection, floodplain requirements, concurrency and airport hazard zoning regulations.
- The allowable uses within the PUD shall be as restricted as described below and as more specifically described provided in the PD zoning ordinance. For purposes of this PUD, the Airport Noise Zone 60-75 DNL Noise Contour is the area depicted as the 60 DNL Noise Contour, the 65 DNL Noise Contour, the 70 DNL Noise Contour and the 75 DNL Noise Contour on Attachment 3 to the Appendix F - Airport Hazard Zoning Regulations, Chapter 30, Gainesville Code of Ordinances adopted on December 3, 2009 May 10, 1999 as by Ordinance 090384 981149. A copy of Attachment 3 is attached hereto as Exhibit "B," which consists of the map entitled "Airport Noise Zone Map – City of Gainesville" prepared by the City of Gainesville Planning Department GIS Section 08/09. The source of the map is the Pt. 150 Study 2012 Noise Exposure Map, as stated on the map. If the City amends the Airport Noise Zone after the effective date of this PUD and such amendment results in areas of land that were in the Airport Noise Zone, but no longer are within the newly adopted airport noise zone, the City Commission, at the PD zoning stage, may allow residential development in that area upon a City Commission finding that (1) residential development in that area is compatible with the Airport operations, including without limitation, flight operations, and (2)

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development.

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to the Airport Hazard Zoning Regulations:

(a) No residential development, including ALF beds, is allowed.

Within the 60-75 DNL Noise Contour Airport Noise Zone, subject

that the site for which the units are proposed is suitable for residential

- (b) Non-residential (retail, office and accessory uses to residential) development is allowed, as well as recreational facilities as accessory uses that are customarily and clearly incidental to an active adult community or parks, open space, conservation, open space buffers and mitigation areas; except that on lands with the underlying land use designation of Industrial, the non-residential development shall be limited to permitted retail and office uses identified in the Limited Industrial (I-1) zoning district.
- 2. Outside of the 60-75 DNL Noise Contour Airport Noise Zone, subject to the Airport Hazard Zoning Regulations, to the extent same are applicable:
  - (a) Residential development, including ALF beds, is allowed.
  - (b) Non-residential (retail, office and accessory uses to residential) development is allowed, as well as recreational facilities as accessory uses that are customarily and clearly incidental to an active adult community or parks, open space, conservation, open space buffers and mitigation areas.
- e. All non-residential areas in the PUD shall be connected to the residential areas in the PUD by an interior roadway system and/or a pedestrian/bicycle/golf cart system. All pedestrian sidewalk systems in the PUD shall comply with the Florida Accessibility Code for Building Construction requirements.
- f. A PD (planned development) zoning ordinance consistent with the PUD must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to apply for and

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 ordinance is not adopted within the 18-month period, then the overlay PUD shall automatically be null and void and of no further force and effect and the overlay land use category shall ministerially be removed from the Future Land Use Map, leaving the original and underlying land use categories in place. The timely filing of an extension application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final City Commission action on the extension application.

obtain PD zoning shall be on the owner/developer. If the aforesaid zoning

- g. A current and complete wetlands survey for the entire property shall be submitted to the City of Gainesville and to the St. Johns River Water Management District at the time of application for PD zoning. Formal approval of wetland delineations for the entire property by the water management district is required prior to the public hearing on the PD zoning petition by the City Plan Board.
- h. All direct impacts to jurisdictional wetlands, wetland buffers, and regulated creeks shall be avoided to the extent practicable. All unavoidable, direct wetland and creek impacts shall be mitigated in accord with applicable City of Gainesville and water management district requirements. Any required on-site mitigation will be part of and will not supersede other wetland mitigation requirements of the comprehensive plan, land development code, and the water management district. There shall be no net loss of wetland acreage and function within the PUD. In addition, if wetland impacts are proposed at the time of application for PD zoning or a subsequent application for development approval, the owner/developer shall submit a plan for improvement of surface water and wetland function within the Planned Use District and, subject to City review and approval, the plan of improvement shall be incorporated into the PD zoning ordinance or subsequent development approval.
- i. All pedestrian and/or bicycle pathways, trails, and sidewalks shall be located outside of wetland buffer areas and outside of creek buffer areas, except as may be established and shown for good cause by the owner/developer and then provided for in the PD zoning ordinance.
- j. Protection of the State-listed animal species Gopher tortoise (Gopherus polyphemus) listed as a Species of Special Concern in Rule 68A-27.005, Florida Administrative Code, located in the remnant sandhills east of the Ironwood Golf Course, and documented in the applicant's Hatchet Creek

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Planned Use District Report dated March 2007, is required and shall be established in the PD zoning ordinance. Protection of the documented population may be accomplished by establishing a designated protection area in the planned developmentPD zoning ordinance that meets all applicable requirements of the City's significant ecological communities district (Sec. 30-309, Land Development Code) and all applicable requirements of the Florida Administrative Code.

- The owner/developer shall submit an environmental features report (in accordance with the requirements of the Significant Ecological Communities zoning district Section 30-309, Gainesville Code of Ordinances) with the application for planned developmentPD zoning. As part of this report, the highest-quality uplands shall be delineated and development within these high-quality areas shall be restricted.
- The application for planned developmentPD district zoning shall include requirements for the use of native vegetation landscaping and for the removal of invasive trees and shrubs.
- A master stormwater management plan for the entire PUD shall be m. prepared by the owner/developer. The plan shall include provisions for protecting the water quality of Little Hatchet Creek, particularly with respect to stormwater runoff from any future development within the planned use district. A conceptual master stormwater management plan application shall be submitted at the time of application for PD zoning. The subsequent master stormwater management plan must be approved by the City Manager or designee prior to final development plan approval. The master stormwater management plan for the project shall be modified for undeveloped phases in order to comply with the statewide water quality rule once it is adopted. The water quality leaving the site shall be addressed in the PD zoning ordinance.
- Buffer and setback requirements for the wetlands and creeks in the PUD shall be specified in the PD zoning ordinance and shall be in accordance with the land development code, including the significant ecological overlay district requirements based upon review of the required environmental features report that shall be submitted with the application for PD zoning.
- Buffer requirements pertaining to adjacent uses (including the municipal golf course) will be provided by the owner/developer in the application for

impact on and adequately buffer the adjacent uses.

PD zoning and, subject to City review and approval, shall be included in

the PD zoning ordinance. These buffers shall be designed to minimize the

 p. The PUD shall not vest the development for concurrency. The owner/developer is required to apply for and meet concurrency management certification requirements, including all relevant policies in the Concurrency Management Element, at the time of application for PD zoning. Transportation modifications which are required due to traffic safety and/or operating conditions, and which are unrelated to transportation concurrency shall be provided by the owner/developer.

- q. Internal roadways shall be designed to provide for bicycle and pedestrian access and connectivity, and shall include traffic calming (low design speed) methods (e.g., speed tables, speed humps, "neck-downs", roundabouts) acceptable to the City of Gainesville in accordance with the traffic calming practices outlined by the Institute of Transportation Engineers.
- r. Sidewalks shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the existing and planned public sidewalks along the development frontage. All sidewalks and sidewalk connections shall be a minimum of 5-feet in width, except as may be established and shown for good cause by the owner/developer and then provided for in the PD zoning ordinance.
- s. The PUD shall provide for transit access (either on site or on abutting roadways) and shall include construction of an appropriate number of transit shelters, as determined at the PD zoning stage and specified in the PD zoning ordinance.
- t. A limited number of drive-through facilities shall be allowed on the street frontages of NE 53<sup>rd</sup> Avenue and NE 39<sup>th</sup> Avenue as determined at the PD zoning stage and specified in the PD zoning ordinance. No direct access from NE 39<sup>th</sup> Avenue or NE 53<sup>rd</sup> Avenue shall be allowed for these drive-through facilities. All access to the drive-through facilities shall be from the internal roadway system (the internal roadway system shall include public and private roads and internal driveway systems) in the PUD. Additional drive-through facilities that are entirely internal to the PUD shall be determined in the PD zoning ordinance. The PD zoning ordinance shall specify the design criteria for all drive-through facilities and shall

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 include a phasing schedule to ensure a mix of drive-through facilities, residential uses, and other commercial/office uses in the planned use district. The trip generation associated with drive-through facilities shall limit the total number of drive-through facilities such that the total maximum trip generation shown for the 100,000 square feet of shopping center use as calculated by the traffic study dated 4/3/08 (prepared by GMB Engineers & Planners, Inc.) is not exceeded for the PUD.

- u. A maximum of two access points, unless additional access points are approved by the FDOT and the City of Gainesville, shall be allowed along NE 39<sup>th</sup> Avenue, subject to the final approval of FDOT. Any proposed reconfiguration of the existing road connection to the Ironwood Golf Course is subject to FDOT and City approval at the PD zoning stage. Boulevard-type driveways with the ingress/egress split by a landscaped median and other entry-type features shall count as a single access point. These access points shall be specified in the PD zoning ordinance.
- v. A maximum of two access points shall be allowed along NE 53<sup>rd</sup> Avenue unless additional access points are approved by Alachua County and the City of Gainesville, in accordance with the Alachua County Access Management regulations, and the locations shall be included in the PD zoning application. All access points are subject to Alachua County and City of Gainesville approval at the planned development zoning stage and shall be specified in the PD zoning ordinance. To minimize traffic impacts from the Hatchet Creek PUD on NE 53<sup>rd</sup> Avenue, the access points on NE 53<sup>rd</sup> Avenue shall be interconnected with the internal public or private road system in the Hatchet Creek development. The private road system interconnections shall be interpreted to include internal driveway systems.
- w. A maximum of one access point shall be allowed along NE 15<sup>th</sup> Street.

  Any proposed access point along NE 15<sup>th</sup> Street shall be included in the planned development district zoning application. Any proposed access point is subject to City of Gainesville approval at the planned development zoning stage, and shall be specified in the PD zoning ordinance.
- x. Additional, limited emergency access will be allowed if the need for such is identified and the access is approved by local government agencies that provide the emergency service(s), and shall be specified in the PD zoning ordinance.

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- y. Prior to the application for PD zoning related to the planned use district, a major traffic study shall be submitted that meets the specifications provided by FDOT, Alachua County, and the City of Gainesville, and the traffic methodology used in the study shall be agreed to in a letter between the City, and the owner/developer. Any traffic studies undertaken by the owner/developer prior to the signed methodology letter with the City of Gainesville may be unilaterally rejected by the City.
- Prior to the second reading of the PUD land use amendment ordinance, the owner/developer shall sign a binding agreement for proportionate fair-share mitigation of the transportation concurrency impacts associated with the maximum amount of development identified in the future land use map amendment. The exact payment will be redefined by the PD development program during the PD zoning approval process, and the appropriate amendments to the binding agreement will be incorporated. The City shall amend the 5-Year Schedule of Capital Improvements to show the required transportation modifications and funding provided by the owner/developer. If sufficient funds are not available for the required transportation modifications, the owner/developer shall be required to limit the development program associated with the PUD to that which would not degrade the transportation level of service (LOS) below the adopted LOS for impacted roads.
- Prior to the application for PD zoning related to the Hatchet Creek planned use district, a signal warrant analysis for the intersection of NE 53<sup>rd</sup>

  Avenue/NE 15<sup>th</sup> Street and for the project driveway at NE 39<sup>th</sup> Avenue shall be submitted as part of the major traffic study requirements. The specifications for the signal warrant analyses shall be part of the traffic methodology letter that will be signed with the City of Gainesville. The owner/developer shall be responsible for the costs of any new traffic signals that are warranted as a result of the development's site related impacts, and the costs shall not be counted toward any required proportionate fair-share contribution for transportation concurrency.
- The owner/developer shall be responsible for the costs associated with tying a new traffic signal at the proposed entrance to the community on NE 39<sup>th</sup> Avenue into the Traffic Management System to ensure that the new signal communicates with the system, if and when such new traffic signal is installed.
- ee.bb. The following shall be executed and delivered to the City prior to approval

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of a development plan, prior to recording of a final plat, or prior to issuance of a building permit, whichever first occurs: (1) Avigation and clearance easements granting the City and owner/operator of the Gainesville-Alachua County Regional Airport Authority, its and their respective successors and assigns, the right to continue to operate the airport in a manner similar to current operations despite potential nuisance effects upon residential and any other uses that are established by this PUD and/or by the required PD zoning ordinance; (2) Notice to Prospective Purchasers and Lessees of potential aircraft overflights and noise impacts: and (3) Declaration of Restrictive Covenants to address the property's proximity to the Airport and the imposition of local, state and federal regulations. The easements, notice and declaration shall be in a form acceptable to the city attorney and airport authority and shall be executed and recordedin a recordable form by the property owner. In addition, a copy of the Notice shall be given to prospective purchasers or lessees at the time of contract or lease negotiations.

All residential and non-residential development shall be constructed to achieve an outdoor to indoor noise level reduction (NLR) as specified in Appendix F - Airport Hazard Zoning Regulations, Chapter 30 of the Gainesville Code of Ordinances in effect at the time of application for a building permit.

capacity improvements that are based on the PUD demands so that the adopted levels of service in the Potable Water/Wastewater Element of the City's Comprehensive Plan are maintained. The owner/developer shall sign a binding letter of agreement with the City to ensure that the funding will be available to make the required improvements.

At the time of application for PD zoning, the owner/developer shall provide design standards for all residential and non-residential uses in the PUD and, subject to City review and approval, those standards shall be specified in the PD zoning ordinance.

for persons where at least one member of the household is 55 years or older in accordance with the Federal Fair Housing Act (Title 42, Chapter 45, Subchapter 1, U.S.C.), the Florida Fair Housing Act (Chapter 760, Part II, F.S.) and all related federal and state regulations. This restriction shall be included on any plat or subdivision of land and in the restrictive

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1 covenants. The covenants shall be made expressly enforceable by the City 2 of Gainesville, and shall not be amended without City approval as to this 3 restriction.

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hh-gg. This PUD does not permit or allow any development that would constitute a development of regional impact or any development that would require a development of regional impact review. Any PD zoning application or any application for proposed development that exceeds the development of regional impact thresholds shall be required to follow the procedures as defined in Chapter 380, F.S. and applicable regulations of the Florida Administrative Code.

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<del>ii.</del>hh. The PUD shall not be a gated community. Security features, if any, shall be addressed in the PD zoning application and specified in the PD zoning ordinance.

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Section 3. The underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation" on the property described in Section 1 of this ordinance are neither abandoned nor repealed; such categories are inapplicable as long as the property is rezoned to Planned Development "PD," as provided in section 2 above. In the event, however, the property described in Section 1 of this Ordinance is not rezoned by ordinance to Planned Development "PD," as provided in Section 2 of this Ordinance, then the overlay Planned Use District Category imposed by this Ordinance shall automatically be null and void and of no further force and effect and the overlay land use category shall be ministerally be removed from the Future Land Use Map, leaving the original and underlying land use categories in place. The timely filing of an extension application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final City Commission action on the extension application.

Section 4. The City Manager is authorized and directed to make the necessary changes in 29 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or

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1	portion thereof in order to comply with this ordinance.		
2	Section 5. If any word, phrase, cla	ause, paragraph, section or provision of this ordinance	
3	or the application hereof to any person or circumstance is held invalid or unconstitutional, such		
4	finding shall not affect the other provisions or applications of the ordinance which can be given		
5	effect without the invalid or unconstitutional provisions or application, and to this end the		
6	provisions of this ordinance are declared severable.		
7	Section 6. All ordinances, or parts of ordinances, in conflict herewith are to the extent of		
8	such conflict hereby repealed.		
9	Section 7. This ordinance shall become effective immediately upon passage on second		
10	reading; however, the effective date of this plan amendment shall be the date a final order is issued		
11	by the Department of Community Affairs finding the amendment to be in compliance in accordance		
12	with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission		
13	finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.		
14	PASSED AND ADOPTED this	day of, 2009.	
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17		Pegeen Hanrahan,	
18		Mayor	
19	•		
20	ATTEST:	APPROVED AS TO FORM AND LEGALITY:	
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22			
23	Kurt Lannon	Marian I Padgan City Attaway	
<ul><li>24</li><li>25</li></ul>	Kurt Lannon, Clerk of the Commission	Marion J. Radson, City Attorney	
43	CIGIR OF THE COMMITSSION		

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This ordinance passed on first reading this 16th day of June, 2008.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_\_, 2009.

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