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5/12/2008

ORDINANCE NO. _____
0-07-119

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2
3
4 **An Ordinance amending the City of Gainesville 2000-2010**
5 **Comprehensive Plan Future Land Use Plan and Map; changing**
6 **the land use categories of certain property from the Alachua**
7 **County land use category of “Rural/Agriculture” and the City of**
8 **Gainesville land use category of “Agriculture” to the land use**
9 **categories of “Single-Family (up to 8 units per acre)” and**
10 **“Conservation”, and by overlaying the “Planned Use District”**
11 **category over certain portions of the property, as more**
12 **specifically described and shown in this ordinance, consisting of**
13 **approximately 1754 acres; generally located north of U.S. 441**
14 **and Northwest 74th Place lying east and west of SR 121 and CR**
15 **231, and south of Northwest 121st Avenue; providing for time**
16 **limitations; creating and adopting Policy 4.3.4; providing**
17 **directions to the City Manager; providing a severability clause;**
18 **providing a repealing clause; and providing an effective date.**
19
20

21 **WHEREAS**, publication of notice of a public hearing that the Future Land Use Map be
22 amended by changing the land use categories of certain property from the Alachua County land use
23 category of “Rural/Agriculture” and the City of Gainesville land use category of “Agriculture” to
24 the land use categories of “Single-Family (up to 8 units per acre)” and “Conservation”, and by
25 overlaying the “Planned Use District” category over certain portions of the property, as more
26 specifically described and shown in this ordinance; and

27 **WHEREAS**, notice by the Plan Board was given and publication made as required by law
28 and a public hearing was held by the City Plan Board on August 16, 2007; and

29 **WHEREAS**, notice was given and publication made of Public Hearings which were then
30 held by the City Commission on November 26, 2007 and December 10, 2007; and

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

6 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of
7 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

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

11 **WHEREAS**, public hearings were held pursuant to the published and mailed notices
12 described above at which hearings the parties in interest and all others had an opportunity to be and
13 were, in fact, heard.

14 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the
15 comments, recommendations and objections, if any, of the State Land Planning Agency.

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

18 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
19 Plan is amended by: 1) changing the land use category of certain property from the Alachua County
20 land use category of "Rural/Agriculture" to the underlying City of Gainesville land use category of

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1 “Agriculture”; 2) changing the land use categories of certain property from the underlying City of
2 Gainesville land use category of “Agriculture” to the land use categories of “Single-Family (up to 8
3 units per acre)” and “Conservation”, and 3) by overlaying the “Planned Use District” category over
4 certain portions of the property with the underlying land use category of “Agriculture”, all as more
5 specifically described and shown as follows:

6 See map, labeled as “Landmar SR-121” dated March 21, 2007, last
7 revised May 2, 2008, attached hereto as Exhibit "A", and made a part
8 hereof as if set forth in full.
9

10 The map attached as Exhibit “A” is adopted and added to the Future Land Use Map
11 Series A of the City of Gainesville Comprehensive Plan.

12 **Section 2.** A PD (planned development) zoning ordinance consistent with the planned
13 use district must be adopted by the City Commission within 18 months of the effective date of
14 the land use change. The obligation to timely apply for and obtain PD zoning shall be on the
15 owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period,
16 then the overlay planned use district shall automatically be null and void and of no further force
17 and effect and the overlay land use category of “Planned Use District” shall ministerially be
18 removed from the Future Land Use Map, and the underlying land use shall be the City of
19 Gainesville land use category of “Agriculture”. The timely filing of an extension application by
20 the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until
21 final City Commission action on the extension application.

22 **Section 3.** Goal 4, Objective 4.3 of the Future Land Use Element of the City of Gainesville

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1 2000-2010 Comprehensive Plan is amended by creating and adding Policy 4.3.4 which shall govern
2 and control the use and development of the property described in Exhibit "A", as follows:

3 GOAL 4. THE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF
4 THE CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER
5 THAT USES NEIGHBORHOOD CENTERS TO PROVIDE GOODS AND
6 SERVICES TO CITY RESIDENTS; PROTECTS NEIGHBORHOODS;
7 DISTRIBUTES GROWTH AND ECONOMIC ACTIVITY THROUGHOUT THE
8 CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES
9 QUALITY OPEN SPACE AND PRESERVES THE TREE CANOPY OF THE
10 CITY. THE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS
11 FOR COMPACT DEVELOPMENT AND EFFICIENT USE OF
12 INFRASTRUCTURE.

13 **Objective 4.3**

14
15 The City shall establish protection and enhancement policies, as needed, for selected
16 neighborhood (activity) and regional centers.

17
18 4.3.4 Due to the unique infrastructure and environmental constraints of "LandMar" as depicted
19 on the map labeled "LandMar SR 121 Overall Site" in the Future Land Use Map Series A,
20 LandMar shall be governed by the following policies:

21
22 A. Within all land use areas of LandMar:

- 23
24 1. Development shall be clustered to inhibit encroachment upon the environmentally
25 significant features of LandMar; and
26
27 2. Wetlands shall not be impacted other than where necessary to achieve
28 interconnectivity between upland properties; and
29
30 3. Wetlands shall be protected by wetland buffers that shall be a minimum of fifty
31 (50) feet and an average of seventy-five (75) feet; and
32
33 4. Stormwater treatment facilities shall not be permitted within required wetland
34 buffers; and
35

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- 1 5. Floodplain areas shall be protected so that at least ninety (90%) percent of existing
2 floodplain areas shall not be altered by development, except that recreation and
3 stormwater management may occur within not more than twenty (20%) of
4 floodplain areas, and the existing floodplain storage volume will be maintained;
5 and
6
- 7 6. Stormwater best management practices and/or low impact development (LID)
8 practices shall be used to the maximum extent practicable to maintain or replicate
9 the pre-development hydrologic regime, as determined by the City, and consistent
10 with state requirements; and
11
- 12 7. Existing functioning ecological systems within LandMar shall be retained to the
13 maximum extent practicable while accommodating the uses and intensity of uses
14 authorized by the land use policies governing LandMar, as determined by the City.
15
- 16 8. Maintain and enhance plant and animal species habitat and distribution by
17 protecting significant plant and animal habitats, provide for habitat corridors,
18 prevent habitat fragmentation by requiring a detailed survey of listed species,
19 identify habitat needs for maintaining species diversity and sustainability; preserve
20 wetlands and at least 40% and up to 50% of the upland area. Listed species are
21 those species of plants and animals listed as endangered, threatened, rare, or
22 species of special concern by the state and federal plant and wildlife agencies, or
23 species ranked as S1, S2, or S3 the Florida Natural Areas Inventory (FNAI) on
24 November 1, 2007.
25
- 26 9. Wetlands, wetland buffers, floodplain and upland habitat areas that are to be
27 protected shall be identified as Conservation Management Areas and protected by
28 a perpetual conservation easement in favor of the City, or a tax exempt land trust
29 doing business within Alachua County, Florida, as determined by the City.
30 Activities within the Conservation Management Areas shall be as set forth in a
31 Conservation Management Plan approved by the City. In addition, the 500-foot
32 wide natural buffer along the entire eastern edge of the LandMar Area, is hereby
33 identified as a Conservation Management Area that shall be protected by a
34 perpetual easement in favor of the City, or a tax exempt land trust doing business
35 within Alachua County, Florida, as determined by the City.
36
- 37 10. Planned Developments adopted by zoning ordinances within LandMar shall
38 impose standards that address minimum required setback from SR 121 and CR
39 231, retention of existing vegetation and supplemental vegetative plantings,
40 fencing and other forms of screening. Except where access to the property is

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1 provided, a minimum 50 foot vegetative buffer shall be retained along both sides
2 of SR 121 and CR 231 within LandMar.

3
4 **B. Conservation Land Use Areas**

5 All areas designated Conservation land use shall receive a zoning district designation of
6 Conservation and are not permitted to have any residential units. There shall be no
7 transfer of density to other areas. No development, other than minimum crossings
8 necessary to achieve interconnectivity between upland properties, and passive
9 recreational uses is allowed within the Conservation Areas, as determined by the City.

10
11 **C. Single-Family and Planned Use District Land Use Areas –**

12 1. All areas designated Single-Family and Planned Use District land use shall
13 be implemented by Planned Development (PD) zoning. The required
14 rezoning to PD may occur in increments over time upon request of the
15 property owner and approval by the City. Until such rezonings to PD are
16 effective, the zoning district designations shall remain Agriculture for all
17 areas designated Single-Family land use; and

18
19 2. All areas that are rezoned to PD shall be designed to be traffic-calmed and
20 pedestrian friendly; and

21
22 3. The PD rezoning for LandMar shall ensure that allowed uses are integrated
23 within the existing site landscape in a way that reasonably assures the
24 following:

25
26 a. Preservation of the ecological integrity of the ecosystems of LandMar by
27 creating and maintaining connectivity between habitats, minimizing
28 natural area fragmentation, and protecting wetlands, associated uplands,
29 and floodplains as indicated in Policy 4.3.4 A above; and

30
31 b. Preservation or enhancement of existing wetlands with approved treated
32 stormwater to wetlands, limiting impacts to such wetlands to crossings
33 necessary to achieve interconnectivity between upland properties, and
34 requiring that any such crossings be designed to minimize wetland
35 impacts.

36
37 4. The PD zoning for LandMar shall require that appropriate “low impact
38 development” (LID) techniques for the site must be implemented. The applicant
39 shall provide proof at rezoning to PD that a responsible entity (e.g., community
40 development district, developer and/or homeowner’s association) will

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1 permanently provide for proper maintenance of the LID functional landscape. LID
2 is a site design strategy for maintaining or replicating the pre-development
3 hydrologic regime through the use of design techniques that create a functionally
4 equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,
5 and ground water recharge, plus discharge volume and frequency shall be
6 maintained by integrated and distributed micro-scale stormwater retention and
7 detention areas, by the reduction of impervious surfaces, and by the lengthening of
8 flow paths and runoff time. Other LID strategies include, but are not limited to,
9 the preservation/protection of environmentally sensitive site features such as
10 wetlands, wetland buffers and flood plains. Each rezoning to PD shall include
11 conditions requiring appropriate LID practices, subject to the approval of the City.
12 Such practices may include, but are not limited to:

- 13
- 14 a. Development that adheres to the principles of “New Urbanism” or
15 “Traditional Neighborhood Development”.
- 16 b. Clustering of development.
- 17 c. Bioretention areas or ‘rain gardens.’
- 18 d. Grass swales
- 19 e. Permeable pavements
- 20 f. Redirecting rooftop runoff to functional landscape areas, rain barrels or
21 cisterns.
- 22 g. Narrowing street widths to the minimum width required to support traffic,
23 on-street parking where appropriate, and emergency vehicle access.
- 24 h. Elimination of curb and gutter where appropriate.
- 25 i. Minimization of impervious surfaces through use of shared driveways and
26 parking lots.
- 27 j. Reduction in impervious driveways through reduced building setbacks.
- 28 k. Reduction in street paving by providing reduced street frontages for lots.
- 29 l. Permanent educational programs to ensure that future owners and
30 residents of the site have an opportunity to fully understand the purpose,
31 function, and maintenance of each LID component.
- 32 m. Limitations on the amount of turf allowed within the site and standards for
33 implementation of best management practices for such turf, including
34 minimum fertilizer applications.
- 35 n. Reuse of stormwater.

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1
2 o. Use of "Florida Friendly" plant species and preferably native species for
3 landscaping.

4
5 p. Use of low-volume irrigation technologies and soil moisture sensors if
6 potable water supply is used for irrigation.

7
8 5. Implementation of appropriate "firewise" community planning practices shall be
9 identified during the rezoning process and required by the PD zoning ordinance.

10
11 6. A master storm water management plan for each geographic area proposed for
12 rezoning to PD must be prepared and submitted to the City for review and
13 approval before final development orders can be approved.

14
15 D. Single-Family Land Use Areas:

16
17 1. All areas designated Single-Family land use shall be rezoned to PD prior to
18 issuance of development permits within the rezoned area; and

19
20 2. All of the areas designated Single-Family land use within LandMar (Future Land
21 Use Map, Series A) shall be limited to a total maximum gross residential density
22 of 1.25 residential units per acre up to a maximum of 1350 residential units; and

23
24 3. The 500-foot wide natural buffer along the entire eastern edge of LandMar shall
25 be retained as a Conservation Management Area;

26
27 4. A natural and/or planted 25-foot wide buffer shall be retained along the
28 entire western boundary property line abutting the Gainesville Regional
29 Utilities Deerhaven power plant site.

30
31 E. Planned Use District Land Use Areas:

32
33 1. Development within the Planned Use District areas shall maximize
34 pedestrian/bicycle connections among all uses (residential and non-residential)
35 and shall maximize pedestrian and bicyclist safety and comfort. A network of
36 sidewalks and street trees shall be provided on all internal streets. Sidewalk
37 connections shall be made from the internal sidewalk system to the public right of
38 way adjoining the Planned Use District. To minimize traffic impacts on SR 121,
39 the implementing PDs shall maximize internal connectivity between residential
40 and areas with mixed uses.

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- 1
2 2. The PDs associated with the Planned Use District shall provide for transit access
3 approve by the City's Regional Transit System (RTS), and the owner/developer
4 may be required to provide comfortable, multi-use transit stations if transit service
5 is made available to LandMar by the RTS.
6
7 3. The implementing PDs district zoning for the Planned Use District areas shall be
8 subject to the following standards:
9
10 a. A PD (planned development) zoning ordinance consistent with the planned
11 use district must be adopted by the City Commission within 18 months of
12 the effective date of the land use change. The obligation to timely apply for
13 and obtain PD zoning shall be on the owner/developer. If the aforesaid
14 zoning ordinance is not adopted within the 18-month period, then the
15 overlay planned use district shall automatically be null and void and of no
16 further force and effect and the overlay land use category shall ministerially
17 be removed from the Future Land Use Map, and the underlying land use
18 shall be "Agriculture". The timely filing of an extension application by the
19 owner/developer to extend the aforesaid 18-month period shall toll the
20 expiration date until final City Commission action on the extension
21 application.
22
23 b. The Planned Use District areas shall allow mixed uses such as residential,
24 office, business retail, professional and financial services, schools, places
25 of religious assembly and community facilities. The areas shall be
26 implemented by PD zoning which shall generally adhere to the
27 requirements of the City's Traditional Neighborhood Development
28 District standards.
29
30 c. A maximum of 540 residential units shall be permitted throughout the
31 entire 90 acres of Planned Use District land use. Residential uses that are
32 located above non-residential uses are allowed and encouraged.
33 Residential types allowed include townhouses, apartments, plus attached
34 and detached single-family homes.
35
36 d. A maximum of 100,000 square feet of non-residential use shall be allowed
37 within the Planned Use District land use, of which a maximum of 80,000
38 square feet shall be permitted as commercial use. Except as may be
39 otherwise provided in the implementing PD zoning ordinance, each
40 building within this zone shall be allowed to be mixed with residential

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1 located above non-residential uses. Each implementing PD shall provide
2 detailed and specific design standards governing all aspects of
3 development within the PD.

4
5 e. Urban design standards that ensure compatibility among the various
6 allowed uses shall be included as part of the PD ordinance. Additional
7 standards may be required to address noise and lighting to further assure
8 compatibility.

9
10 f. The PD zoning ordinance shall, through design and performance measures,
11 assure the neighborhood, pedestrian quality of LandMar by regulating
12 building type and scale, overall building appearance and orientation,
13 placement and function of parking, loading, waste disposal, access points,
14 outdoor uses and mechanical equipment, signage and landscaping.

15
16 g. Open space shall be provided, where appropriate, as common open space
17 servicing conservation, recreation and civic needs of the Planned Use
18 District areas, subject to approval of the City.

19
20 F. Miscellaneous Provisions

21
22 1. Prior to the second reading of the land use amendment ordinance(s) for
23 LandMar, the developer shall sign a binding agreement acknowledging
24 owner/developer responsibility for proportionate fair-share mitigation for
25 the transportation level of service (LOS) impacts associated with the
26 maximum amount of development identified in the future land use map
27 amendment. The City shall amend the 5-Year Schedule of Capital
28 Improvements to show the developer funding for required transportation
29 modifications to maintain adopted LOS and funding provided by the
30 proportionate fair share agreement. If sufficient funds are not available for
31 the required transportation modifications and improvements, the
32 owner/developer shall be required to limit the development program
33 associated with the land use amendment to that which would not degrade
34 the transportation LOS below the adopted LOS for impacted roads after
35 taking into account all improvements funded in the 5-Year Schedule of
36 Capital Improvements.

37
38 2. LandMar shall be limited to the maximum levels of development specified
39 below for the initial phase until such time that adequate public facilities
40 and services at the City's adopted levels of services are demonstrated for

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1 subsequent phases. Each phase of development is required to be
2 submitted and reviewed in its entirety, and each phase shall be analyzed
3 showing the cumulative impacts of previously approved phases.

4
5 The initial phase of development within the first five years shall consist of:

6
7 581 residential units, which shall include a maximum of 481 single-family
8 detached units and a maximum of 100 multi-family units subject to City
9 approval of a traffic study provided by the owner/developer that shows
10 adequate transportation LOS.

11
12 Subsequent to build-out of the first phase, a complete analysis shall be
13 provided by the owner/developer that demonstrates to the satisfaction of
14 the City the availability of adequate public facilities as adopted in the
15 City's LOS standards. Until such time that the developer can demonstrate
16 or fund adequate public facilities, the development is limited to the initial
17 phase of the development.

18
19 All recreation facilities that are required to ensure that the City's Recreation LOS
20 standards are maintained shall be specified in the PD rezoning application and
21 ordinance. Such recreation facilities shall include both passive and active
22 recreational facilities including nature trails, a nature park, basketball and/or
23 tennis courts and various types of play areas. Many of the single-family areas
24 along with portions of the PUD areas shall be built around pocket parks of various
25 types, subject to approval by the City. At the development stage for each phase
26 and section of the project, recreational amenities necessary to meet the demands
27 of the residential units will be provided by the owner/developer as required by the
28 Gainesville Comprehensive Plan facilities and substitution lists. All recreational
29 amenities will be provided at the cost of the owner/developer. Recreation facilities
30 shall be provided on-site to ensure that the needs of the residents of LandMar are
31 met on-site, provided that a portion of the recreation need may be met through the
32 cooperative development of active recreation facilities on the adjacent property
33 (tax parcel 07781-002-000) owned by the Suwannee River Water Management
34 District provided that such facilities are under the supervision of and are
35 controlled by the City of Gainesville, and subject to approval by the City.

- 36
37 3. All proposed access points to CR 231 are subject to approval by the
38 Alachua County Public Works Department. All proposed access points
39 onto SR 121 are subject to approval by the FDOT.
40

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- 1 4. Due to the limited capacity of SR 121, the owner/developer shall provide a traffic
2 study acceptable to the City, Alachua County, and the Florida Department of
3 Transportation prior to the application for each PD rezoning. The study shall
4 analyze issues related to transportation concurrency, operational and safety
5 concerns, and shall propose appropriate mitigation for the transportation impacts
6 of the development.
- 7
- 8 5. Land use changes for LandMar do not vest future development for concurrency.
9 The owner/developer is required to apply for and meet concurrency management
10 certification requirements, including transportation mitigation at the time of filing
11 any PD rezoning application.
- 12
- 13 6. At such time that cumulative development of the subject property reaches the
14 threshold for a Development of Regional Impact (DRI), as provided by Chapter
15 163, F.S., there shall be no more rezonings to PD and no more development plan
16 approvals until the DRI development order has been approved by the City and
17 taken effect.
- 18
- 19 7. The LandMar development shall include in any Planned Development Report the
20 requirement that five percent of the residential units shall be affordable to
21 households earning between 80% and 120% of the median income for Alachua
22 County for a family of four as established from time to time by the U.S.
23 Department of Housing and Urban Development. Each implementing PD zoning
24 ordinance shall provide all required methods for ensuring implementation of this
25 requirement, including the requirement that the owner/developer enter into a
26 binding agreement that specifies the number of affordable units that must be
27 constructed on an approved time schedule.

28

29 **Section 4.** Those portions of the Planned Use District as shown on the map described in
30 Section 1 of this ordinance is neither abandoned nor repealed; such category is inapplicable as long
31 as the property is developed and used in accordance with the development plan approved in the
32 ordinance rezoning this property to Planned Development "PD". In the event, however, the
33 property described in Section 1 of this Ordinance is not rezoned by ordinance to Planned
34 Development "PD" within 18 months of the effective date of this Ordinance, as provided in Section

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1 8 of this Ordinance, then the Planned Use District Category imposed by this Ordinance shall be
2 deemed null and void and of no further force and effect, and the overlay land use category shall
3 ministerially be removed from the Future Land Use Map, and the underlying land use shall be
4 “Agriculture”.

5 **Section 5.** The City Manager is authorized and directed to make the necessary changes in
6 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
7 portion thereof in order to comply with this ordinance.

8 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
9 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
10 finding shall not affect the other provisions or applications of the ordinance which can be given
11 effect without the invalid or unconstitutional provisions or application, and to this end the
12 provisions of this ordinance are declared severable.

13 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
14 such conflict hereby repealed.

15 **Section 8.** This ordinance shall become effective immediately upon passage on second
16 reading; however, the effective date of this plan amendment shall be the date a final order is issued
17 by the Department of Community Affairs finding the amendment to be in compliance in accordance
18 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission

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1 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

2 PASSED AND ADOPTED this _____ day of _____, 2008.

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9

Pegeen Hanrahan, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

10
11

Kurt Lannon,
Clerk of the Commission

Marion J. Radson, City Attorney

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19

This ordinance passed on first reading this _____ day of _____, 2008.

This ordinance passed on second reading this _____ day of _____, 2008.

20 H:\Marion Radson\Planning\28LUC-07PB pet.DOC

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