



MEMORANDUM

Office of the City Attorney

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#000882

TO: CITY COMMISSION

DATE: October 8, 2001
~~XXXXXXXXXXXX~~
FIRST READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-01-18; Petition No. 175CPA-00PB
An ordinance of the City of Gainesville, Florida, amending the Conservation, Open Space and Groundwater Recharge Element of the City of Gainesville 1991-2001 Comprehensive Plan; revising policies on wetlands; adding provisions concerning the Alachua County Forever program; adding provisions concerning the Alachua County Murphree Wellfield Protection Code; adding provisions concerning Floridan aquifer recharge areas; providing for an Environmentally Significant Land and Resources map series within the Future Land Use Map Series; adding Tumblin Creek and Hogtown Creek to the priority list for improving water quality; removing outdated provisions; amending provisions concerning NPDES permitting; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) hear a presentation from Planning staff regarding changes to the Plan Board's recommendation (2) approve Petition 175CPA-00 PB, with City Plan Board modifications; and (2) adopt the proposed ordinance with Planning Staff's recommended revisions.

STAFF REPORT

The updated Conservation, Open Space and Groundwater Recharge Element of the proposed 2000-2010 Comprehensive Plan reflects recommendations from the Evaluation and Appraisal Report adopted in 1998 and subsequent public input. This element was the subject of City Plan Board workshops on September 28, 2000 and November 30, 2000. The City Plan Board held a public hearing on the proposed updated Element on January 31, 2001, and the Board recommended approval with modifications by a vote of 6-0. The element was also presented at the February 12, 2001 meeting of the City Commission, and at comprehensive plan workshops on June 20, 2001 and July 26, 2001.

Revisions proposed for the Conservation, Open Space and Groundwater Recharge Element include one new and several amended objectives, one amended goal, deletion of several policies that have been met or are no longer pertinent, plus various new and amended policies. The new objective addresses coordination with Alachua County on the Alachua County Forever program and other potential funding sources, and has an associated policy. Other new policies address

aquifer recharge area maps and protection of recharge areas, wellfield protection, sedimentation problems in Hogtown Creek, water quality in Tumblyn Creek, State requirements regarding lawn sprinkler systems, establishing a Green Building Program, coordinating with other governmental entities regarding pollution problems, and protecting heritage and champion trees. In Objective 4.2, priority for improving the quality of water entering creeks has been expanded to include Hogtown Creek and Tumblyn Creek. Objective 2.4 and an associated policy have been expanded to address conservation of listed and candidate species; changes to other objectives are relatively minor. Goal 3 regards the urban forest, and it has been expanded to state that the City's commitment to preservation of the urban forest and street trees is a defining feature of our community.

Proposed policy revisions include changes to standards and guidelines for protection of environmentally sensitive resources. Proposed changes include updating creek protection provisions to better reflect adopted land development regulations, increased setbacks from lakes, revising wetlands protection provisions by striking the 'no net loss of on-site wetland acreage and function' requirement, and proposing provisions that address mitigation and reflect much of the wetlands protection language that was recommended earlier this year to the City Commission by the Water Management Advisory Committee (WMAC).

The Plan Board recommendation included revising Policy 1.1.4 by increasing the minimum \$150,000 annual allocation to \$300,000 for the acquisition and preservation of environmentally significant open space and recreation sites. Concern about the specificity of this policy was expressed at the February 12, 2001 City Commission meeting, and it has since been revised to delete reference to a specific source of funds and to specify that recreation sites may be active or passive.

Various other revisions have been made in response to City Commission and community input since the January 21, 2001 City Plan Board hearing. Policy 2.3.3 has been revised in order to clarify that the policy applies to septic tanks in commercial, institutional and industrial districts, and does not limit septic tanks to only those districts. Policy 3.1.3 has been revised so that it is consistent with City land development code provisions regarding removal or relocation of regulated trees. Many of the Water Management Advisory Committee recommendations on wetlands were added to Policy 1.1.1 b. rather than limiting them to pertinent future land development regulations. Objective 2.1 was strengthened regarding wetland acreage and function, and Policy 2.1.1 was revised to require that all wetland mitigation be strictly within city limits. Policy 1.1.1 c. was revised to increase development setbacks from lakes from 35 to 50 feet. Policy 2.2.3 was revised based on updated information from Alachua County Environmental Protection Department. Policy 2.3.2 was revised to include titles of referenced portions of the Florida Administrative Code. New Policy 2.3.8 regards lawn sprinkler systems; new Policy 2.6.2 regards Green Building; new Policy 3.1.7 regards heritage and champion trees; and new Policy 4.2.5 regards coordinating with other governmental entities with respect to pollution problems. Sub-policy 3.1.2 a. regarding xeriscape and turf area was retained, and other sub-policies regarding vegetation requirements were revised. Other changes to the proposed updated Element are relatively minor.

A separate document, attached to this memorandum as Exhibit "1", shows staff's recommended modifications as shown by shading.

Fiscal Note: None

CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the Plan Board on January 31, 2001, and the Community Development Department has requested the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Approved and
Submitted by:



Marion J. Radson, City Attorney

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2
3 **EXHIBIT "1"**

4 **Conservation, Open Space and Groundwater Recharge Element**

5 **Goal 1**

6
7 **Establish and maintain an integrated and urban-defining open space network that**
8 **protects and conserves key environmental features.**

9
10 **Objective 1.1**

11
12 Upon adoption of this Plan, the City shall protect all significant environmental lands and
13 resources identified ~~on Map 2 in the~~ (Environmentally Significant Land and Resources)
14 map series within the Future Land Use Map Series. The City shall continue to identify
15 environmentally significant open space and recreation sites for acquisition.

16
17 **Policies**

18
19 1.1.1 At a minimum the following standards and guidelines shall be used to protect
20 environmentally sensitive resources identified ~~on Map 2 in the~~ (Environmentally
21 Significant Land and Resources) map series within of the Future Land Use Map
22 Series:

- 23
24 a. Creeks: ~~Developments must conform to applicable provisions of the land~~
25 ~~development regulations the "Regulations of Development Near Creeks"~~
26 ~~Ordinance, which prohibits development is prohibited~~ within 35 feet of the
27 ~~centerline break in slope at the top of the bank centerline~~ of any regulated
28 creek. Between 35 and 150 feet from the break in slope at the top of the
29 bank, there is a presumption that development is detrimental to the
30 regulated creek unless demonstrated otherwise.
- 31
32 b. Wetlands: ~~Developments containing wetlands must maintain the existing~~
33 ~~level of wetland acreage and function on the property~~ avoid loss of
34 function or degradation of wetland habitat and/or wetland hydrology as the
35 highest priority. Degradation or loss of function that is unavoidable shall
36 be minimized, and the applicant must demonstrate that the cause of the
37 degradation or loss of function is clearly in the public interest. The City
38 shall develop and implement land development regulations that at a
39 minimum:
- 40
41 1. Establish criteria for determining whether or not the proposed
42 development or activity is clearly in the public interest.
 - 43
44 2. Establish mitigation ratios for wetland preservation, restoration and
45 creation.
- 46

- 1 3. Establish bonding, monitoring and maintenance requirements for
2 wetland mitigation projects. Any mitigation shall include enforceable,
3 long-term monitoring and maintenance requirements;
- 4 4. Establish means of assuring that the wetland mitigation project
5 continues to exist and function as approved;
- 6 5. Establish mitigation ratios of at least 5:1 (acreage of mitigation area to
7 impacted area);
- 8 6. Require off-site mitigation to be performed within the same sub-basin
9 and basin in which the impact occurred, unless it is shown that
10 mitigation outside the sub-basin is more appropriate. The order of
11 preference for the location of the mitigated area(s) in relation to the
12 impacted areas will be:
 - 13 a. In the same basin and sub-basin;
 - 14 b. In an adjacent sub-basin within the basin;
 - 15 c. In an adjacent sub-basin outside the basin; and
 - 16 d. In an adjacent basin;
- 17 7. Require mitigation to be performed within the city limits of
18 Gainesville;
- 19 8. Require that development shall not cause hydrological or wetland
20 impacts off-site;
- 21 9. Require a minimum buffer distance of 35 feet between the landward
22 extent of any wetland and the developed area. In some instances
23 larger buffers may be warranted;
- 24 10. Specify that these protections shall be extended to all wetlands,
25 regardless of whether they are currently mapped;
- 26 11. Require review and approval of wetland mitigation projects by
27 qualified professionals.
- 28 c. Lakes: Developments containing or adjacent to a ~~natural~~ lake (or lakes)
29 must not adversely impact the condition of the lake. Dredge and fill shall
30 be prohibited. Development shall be prohibited within ~~35~~ 50 feet of the
31 landward extent of a lake.

- 1
2 d. Wellfields: Developments must be consistent with Policy 2.3.32 and 2.3.3
3 of this Element.
4
5 e. Major Natural Groundwater Recharge Areas: Developments within this
6 area must be consistent with Policies 2.3.43 and 2.3.5 of this Element.
7
8 f. Upland Areas: Developments within an area identified as Upland must
9 submit an ecological inventory of the parcel. Based on the inventory,
10 development may be allowed on up to the maximum of 75 percent of the
11 parcel.
12

13 1.1.2 The City shall ~~adopt criteria for use the environmentally significant properties~~
14 ~~inventory/ranking report the urban area, and use these criteria to develop and~~
15 ~~maintain an inventory of open space and natural reservations to be considered for~~
16 ~~acquisition. These criteria shall be designed to preserve~~ identify viable
17 populations of native plant and animal species, environmentally significant areas,
18 and unique geological or historic features that should be preserved, and show
19 connectivity with other public lands and environmentally significant areas that
20 should be maintained.

21
22 1.1.3 ~~By June 1992, The City shall adopt~~ continue to have land development
23 regulations that require new developments to dedicate land and easements,
24 particularly for the creation of buffers along and around surface waters and
25 natural reservations and to facilitate the development of greenways and other
26 open space.

27
28 1.1.4 The City shall seek at allocate a minimum of \$300,000 ~~\$150,000~~ per year toward
29 the acquisition and preservation from the Alachua County Forever funds for the
30 purchase of environmentally significant open space and of active and passive
31 recreation sites.
32

33 Objective 1.2

34
35 The City shall coordinate with Alachua County on the Alachua County Forever program,
36 and with other potential funding sources for land acquisition for environmental and open
37 space protection.
38

39 Policies

40
41 1.2.1 The City shall seek to maximize the protection of environmentally sensitive lands
42 through the nomination of properties for acquisition with Alachua County Forever
43 and other relevant funds.

44 Goal 2

1
2 **Mitigate the effects of growth and development on environmental resources.**

3
4 **Objective 2.1**

5
6 Upon adoption of this Plan, existing citywide levels of wetland acreage and functions
7 within City limits shall be maintained to the extent feasible through the year ~~2004~~ 2010.

8
9 **Policies**

10
11 2.1.1 ~~By 1992, The City shall develop and~~ continue to update, augment and maintain an
12 inventory of wetlands, and adopt land development regulations designed to
13 preserve ~~conserve~~ existing wetland acreages and preserve natural functions on a
14 citywide basis. When wetlands are unavoidably lost to development, mandatory
15 mitigation shall be required to ensure no net loss of acreage and functions occurs.
16 Mitigation will be performed within city limits except where special
17 circumstances prohibit this option, in which case all mitigation must remain
18 within Alachua County.

19
20 **Objective 2.2**

21
22 The City shall improve the quality of stormwater entering City lakes and creeks by
23 requiring development and redevelopment to meet the adopted water quality standards of
24 this Element and the Stormwater Management Element.

25
26 **Policies**

27
28 2.2.1 ~~The City shall adopt land development regulations that~~ continue to require
29 stormwater quality treatment facilities for redevelopment of non-residential sites
30 and the Central City District, particularly within stream-to-sink basins.

31
32 ~~2.2.2 The City shall adopt land development regulations that reduce the amount of~~
33 ~~impervious parking surface allowed within any environmentally significant area,~~
34 ~~as compared to impervious allowances outside these areas. In these areas,~~
35 ~~reduction of impervious surface shall include reduction of required parking~~
36 ~~spaces, use of pervious surfaces, and/or use of multi-story parking structures to~~
37 ~~prevent damage to environmentally significant areas and transition zones.~~

38
39 2.2.32 ~~The City shall adopt~~ continue to have land development regulations that require
40 meet or exceed ~~state-of-the-art~~ best management practices for stormwater
41 management. ~~quality and hazardous materials management designs to prevent~~
42 ~~damage to environmentally significant areas and transition zones.~~

1 2.2.43 The City shall adopt land development regulations that require the handling of
2 hazardous materials in such a way as to prevent degradation of the natural
3 environment. At a minimum, this shall be achieved by complying with the
4 Alachua County Hazardous Materials Management Code (~~Ord. 91-6, 1991~~) and
5 the Alachua County Murphree Wellfield Protection Code, which:

- 6
7 a. Prohibits certain new, ~~large-scale chemical businesses~~, hazardous
8 materials facilities; and underground storage tank systems from siting
9 within the unconfined zone of the Floridan aquifer;
- 10
11 b. Prohibit new, large-scale hazardous materials facilities from siting within
12 the primary and secondary wellfield protection zones of the Murphree
13 wellfield, and establish requirements for siting of hazardous materials
14 facilities within the tertiary protection zones of the Murphree wellfield.
15 Within the secondary zone, vehicular fuel storage subject to Florida
16 Statutes 376.317 may be allowed.
- 17
18 c. Requires new, Class C and D large-scale chemical businesses hazardous
19 materials facilities as identified in the Alachua County Hazardous
20 Materials Management Code to maintain large setbacks from surface
21 waters, wells, and floodplains; and
- 22
23 d. Requires stringent ~~chemical~~ hazardous materials storage and containment
24 designs, periodic monitoring, inspections, a management plan, fees, and
25 penalties for non-compliance.

26
27 2.2.54 The City shall ~~adopt~~ continue to have land development regulations that
28 supplement the standards of the applicable Water Management District to
29 promote the natural cleansing of water in creeks. Such standards shall include:

- 30
31 a. Limiting creek dredging;
- 32
33 b. Prohibiting channelization;
- 34
35 c. Requiring sedimentation controls during and after construction;
- 36
37 d. Protecting creek banks and vegetation;
- 38
39 e. Requiring treatment of the first "one inch" of runoff;
- 40
41 f. Restoring previously channelized creeks identified for restoration by the
42 City, when feasible provided that such restoration does not conflict with
43 stormwater management objectives.
- 44

1 2.2.65 The City shall maintain an inventory of altered creek segments suitable for
2 restoration to a more natural condition.
3

4 **Objective 2.3**

5
6 ~~By June 1992,~~ The City shall only permit activities that maintain drinking water
7 resources to meet the demands of population projected for the year ~~2001~~ 2010.
8

9 **Policies**

10
11 ~~2.3.1 To protect drinking water resources, the City shall adopt criteria for the location~~
12 ~~of hazardous materials collection/transfer/treatment facilities.~~
13

14 2.3.21 The City shall continue to cooperate with the Alachua County Environmental
15 Protection Office Department, the Florida Department of Environmental
16 Regulation Protection (FDER)(FDEP), the Water Management Districts, and the
17 Environmental Protection Agency (EPA) and shall support the appropriate
18 agencies with efforts to accomplish the following:
19

- 20 a. Identify areas of pollution to surface waters and groundwater;
21
22 b. Establish a monitoring program that provides an annual report describing
23 present environmental conditions and cleanup status;
24
25 c. Identify parties responsible for polluted areas, and require such parties to
26 mitigate pollution problems.
27

28 2.3.32 The City shall allow land uses and facility design ~~in that part of the City falling~~
29 ~~within wellfield management protection zones (and other "community water~~
30 ~~system" cones of influence as defined by Fla. Administrative Code Chapter Rule~~
31 ~~17-550.200 62-550.200 (Drinking Water Standards, Monitoring, and Reporting,~~
32 ~~Definitions for Public Water Systems) and Chapter 9J-5.003(274) (Definitions,~~
33 ~~"cone of influence"); F.A.C.) and identified on Map 2 in the (Environmentally~~
34 ~~Significant Land and Resources) map series within of the Future Land Use Map~~
35 ~~Series, that are in compliance with the Murphree Wellfield Management Code~~
36 ~~Ordinance 88-15, Protection Code, adopted July 26, 1988 by the Alachua County~~
37 ~~Board of County Commissioners. New placement of septic tanks in the~~
38 ~~secondary zone for non-residential uses shall also be prohibited.~~
39

40 2.3.43 The City shall only allow new development ~~to place septic tanks in commercial,~~
41 ~~institutional, and industrial districts to place septic tanks:~~
42

- 43 a. In compliance with areas of major groundwater recharge, if the
44 ~~development is in compliance with the Alachua County Hazardous~~

1 ~~Material Code Ordinance 91-6 and does not include activities handling~~
2 ~~hazardous materials as listed in EPA's extremely hazardous substances list~~
3 ~~promulgated by SARA Title III; and Division 3., Wellfield Protection~~
4 ~~Special Use Permit of the City's Land Development Code, and if the~~
5 ~~development is in compliance with the Alachua County Hazardous~~
6 ~~Materials Management Code.~~

- 7
8 b. In areas not shown as regulated creek, lake, and wetland, ~~and upland areas~~
9 ~~identified on Map 2 (in the Environmentally Significant Land and~~
10 ~~Resources map series) of the Future Land Use Map Series.~~

11
12 ~~2.3.54~~ The City shall ~~adopt~~ continue to have a water conservation plan consistent with
13 the Water Management Districts' plans (Sec. 373.175 & 373.246, F.S., and Chap.
14 40C-21, F.A.C.). The plan shall include strategies to deal with emergency
15 conditions, implement public education campaigns regarding the nature of
16 groundwater resources and the need to protect and conserve them, provide a
17 public information program on water reuse systems, and develop potable water
18 rate structures to encourage water conservation.

19
20 ~~2.3.65~~ Pursuant to Section 373.0395, F.S., Water Management Districts ~~will~~ are to map
21 "prime" groundwater recharge areas within the County. Should such areas be
22 identified within City limits, the areas will be mapped and included in the adopted
23 comprehensive plan, and City land development regulations shall be amended to
24 protect such areas if they are not already protected by existing regulations and
25 programs.

26
27 ~~2.3.6~~ Until such time as prime recharge areas are mapped, the City shall use the
28 Floridan Aquifer recharge maps prepared by the St. Johns River Water
29 Management District and the Suwannee River Water Management District (see
30 Environmentally Significant Land and Resources map series within the Future
31 Land Use Map Series). City land development regulations shall be amended to
32 protect such areas if existing regulations and programs do not already protect
33 them.

34
35 2.3.7 Final development orders shall require compliance with septic tank rules (Chapter
36 ~~10D-6, F.A.C. 64E-6, F.A.C. and Section 381.272 (9)(a), F.S.)~~

37
38 ~~2.3.8~~ The City shall inform the public of the requirements of Section 373.62, Florida
39 Statutes, regarding automatic lawn sprinkler systems.

40
41 **Objective 2.4**

42
43 The City shall ~~adopt~~ amend its land development regulations, ~~based on performance~~
44 ~~standards keyed to the resources, that are~~ as necessary to conserve environmentally

1 significant surface waters; major natural groundwater recharge areas; ~~development-~~
2 ~~constraining soils~~; threatened or endangered or listed (or candidates for being listed)
3 plants, animals and habitats; and prevent the spread of invasive vegetation. The adopted
4 regulations shall be designed to maintain viable populations of these existing plant and
5 animal species and allow development activities which are compatible with identified
6 environmentally significant lands and resources. (See ~~Map 2~~ of Environmentally
7 Significant Land and Resources map series within the Future Land Use Map Series.).
8

9 Policies

10
11 2.4.1 ~~By 1993,~~ The City shall maintain an updated its inventory of identified
12 environmentally significant resources identified ~~on Map 2 in the Environmentally~~
13 Significant Land and Resources map series within of the Future Land Use Map
14 Series. If additional resources are identified, these properties shall be subject to
15 ~~performance-based~~ regulations keyed to the resource present at the site. The
16 Future Land Use Map Series shall be amended to include these properties.
17

18 2.4.2 The City shall adopt land development regulations that protect identified
19 threatened or endangered or listed (or candidates for being listed) plants, animals
20 or habitats. These regulations shall require developments of parcels within the
21 environmentally significant areas to submit an ecological inventory of the parcel.
22

23 2.4.3 The City shall ~~develop~~ continue to have guidelines for the design of stormwater
24 basins that require the use of native vegetation and basin slopes suitable for
25 stormwater treatment that promote highly diverse plant and animal habitats,
26 particularly within stream-to-sink basins, and that enhance the hydrological and
27 ecological functions of related wetland areas.
28

29 ~~2.4.4 By 1994, the City shall identify road segments where large numbers of animals~~
30 ~~are killed ("road kills") and establish mitigation policies to be used in conjunction~~
31 ~~with future road improvements. Future road alignments shall avoid~~ minimize their
32 impact on environmentally significant animal habitats.
33

34 2.4.5 The City shall ~~adopt land development regulations that~~ continue to require
35 construction design consistent with existing terrain by discouraging contouring,
36 cut and fill, or other practices where they might be shown to cause soil erosion.
37

38 2.4.6 The City shall ~~adopt~~ continue to have land development regulations for
39 environmentally significant wetlands, lakes and regulated creeks that require:
40

- 41 a. Setbacks from regulated creeks, lakes and wetlands;
- 42
- 43 b. Prohibition of development ~~which~~ that would cause erosion and sediment
44 pollution to regulated creeks, lakes and wetlands;

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- c. No net increase in the rate of runoff from development sites adjacent to regulated creeks, lakes and wetlands;
- d. Retention or detention of the first inch of runoff of developments adjacent to regulated creeks, lakes and wetlands, through on-site filtration;
- e. Retention of vegetation integral to the ecological value of regulated creeks, lakes and wetlands;
- f. Compliance with the City's adopted criteria for controlling sediment and erosion;
- g. Allowance of a transfer of development intensity and density from lower to higher elevations of a site; and
- h. Prohibition on the installation of all septic tanks.

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

2.4.8 ~~By 1992,~~ Chemical control efforts by the City to manage pest species shall only include use of chemicals ~~designated by the City to be~~ that are safe for wildlife and public health. Chemical control will be used only when non-chemical controls do not abate the pest problem.

2.4.9 The City shall coordinate with Alachua County, ~~FDNR~~ FDEP and the Water Management Districts to conserve environmentally significant ~~vegetative plant~~ plant communities ~~located within both the City and within the unincorporated area by submitting relevant~~ relevant land development proposals for review to the Alachua County Environmental Protection ~~Office~~ Department, the applicable Water Management District, and ~~FDNR~~ FDEP for comment and recommendation.

~~2.4.10 By June 1992, the City shall adopt land development regulations that include (1) a definition of environmentally significant open space and other categories of open space; and (2) regulations to preserve such open space.~~

2.4.11~~10~~ The City shall protect floodplains through existing land development regulations ~~which~~ that at a minimum:

- a. Prohibit development within the flood channel or floodplain without a City permit;

- 1
2 b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
3
4 c. Prohibit permanent structures in the flood channel, except for those
5 necessary for flood control, streets, bridges, sanitary sewer lift stations,
6 and utility lines;
7
8 d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise
9 potentially harmful materials in the flood channel;
10
11 e. Prohibit development within the floodplain ~~which~~ that would reduce the
12 capacity of the floodplain;
13
14 f. Prohibit development ~~which~~ that would cause or create harmful soil
15 erosion, stagnant water, and irreversible harmful impacts on existing flora
16 and fauna;
17
18 g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and
19 parking areas; and
20
21 h. Limit floodplain uses to launching areas for boats and structures at least
22 one foot above the 100-year flood elevation, in addition to those allowed
23 in the flood channel.
24
25 2.4.12~~11~~ The City's ~~shall amend its current~~ land development regulations shall to include
26 ~~performance-based standards to~~ protect environmentally significant lands and
27 resources ~~that will at minimum~~ by:
28
29 a. Controlling permissible uses through regulatory overlay districts;
30
31 b. Providing opportunities for alternative and innovative site development;
32
33 c. ~~Establish~~ Providing setback and parking standards;
34
35 d. Providing mandatory mitigation to ~~ensure no~~ minimize net loss of acreage
36 and functions when wetlands are unavoidably lost;
37
38 e. Allowing for, or requiring the clustering of development away from
39 environmentally significant resources; and
40
41 f. Restricting on-site waste disposal systems.
42
43 2.4.13~~12~~ At a minimum, conservation strategies for significant ~~vegetative~~ natural
44 communities shall include:

- 1
2 a. Required ~~preservation~~ conservation of native upland ~~vegetative~~ natural
3 communities;
4
5 b. Installation of native vegetation landscaping and removal of invasive trees
6 and shrubs; and
7
8 c. ~~Surface water~~ Setbacks.
9

10 **Objective 2.5**

11
12 The City shall continue existing programs and institute new programs as necessary to
13 maintain air quality levels which comply with county, state and national ambient air
14 quality standards through the year ~~2001~~ 2010.
15

16 **Policies**

17
18 2.5.1 Adopt citywide regulations restricting or prohibiting the burning of plastics,
19 particularly with regard to local government, institutional, or commercial
20 incineration. (~~Refer to Solid Waste Element for additional incineration policies.~~)
21

22 ~~2.5.2 By 1995 the City shall make available a general information brochure describing~~
23 ~~known radon hazards in the City.~~
24

25 2.5.3~~2~~ The City shall encourage ~~non-auto~~ transportation choice by adopting new
26 programs and strategies as may be needed to encourage public mass transit use,
27 bicycling, walking, and higher urban development densities near neighborhood
28 centers activity centers, satellite parking lots, and mixed land uses.
29

30 **Objective 2.6**

31
32 The City shall continue to promote and practice ~~energy~~ natural resource conservation and
33 pollution prevention ~~to reduce energy consumption and demand~~ in order to reduce
34 negative impacts on the environment. To accomplish this, the City shall continue to
35 incorporate ~~energy-saving~~ natural resource-saving and pollution prevention policies in
36 this Element and other elements of the Comprehensive Plan (such as Solid Waste, Future
37 Land Use, and ~~Traffic Circulation~~ Transportation Mobility).
38

39 **Policies**

40
41 ~~2.6.1 By 1992, after completion of the Local Energy Engineer Program (LEEP), the~~
42 ~~City shall amend the Comprehensive Plan to include an Energy Element unless it~~
43 ~~is deemed unnecessary.~~
44

1 2.6.1 The City shall continue to provide customers with education and incentive
2 programs to encourage ~~reduced energy consumption~~ natural resource conservation
3 and pollution prevention.

4
5 2.6.2 The City shall establish by 2003 a Green Building Program in order to encourage
6 environmentally friendly and energy-efficient construction.

7
8 **Goal 3**

9
10 **Improve urban spaces through preservation and enhancement of the urban forest.**
11 Maintain the City's commitment to preservation of the urban forest and street trees
12 as a defining feature of our community.

13
14 **Objective 3.1**

15
16 ~~After January 1, 1992,~~ The total percentage of tree canopy coverage within the City shall
17 not fall below the 1992~~4~~ percentage of tree canopy, as estimated by the City Manager or
18 his designee, ~~using methods developed by the Florida Division of Forestry,~~ except in the
19 event of natural catastrophe (~~disease or insect epidemic, or storm~~).

20
21 **Policies**

22
23 3.1.1 ~~By 1992, establish a tree planting program whereby~~ The City shall continue to
24 plants at least 400 trees (or 650 inch-diameters at chest height) within City limits
25 annually, and encourage developers and citizens to plant at least 600 trees
26 annually. At least 75 percent of the trees should be native to north Florida.

27
28 3.1.2 The City shall adopt land development regulations for new development that
29 require the following:

30
31 a. Use of native and drought-tolerant plants ("xeriscape") and a reduction in
32 allowable turf area;

33
34 b. Energy conservation through a 5 percent increase in tree and shrub canopy
35 over the 1990 Gainesville Landscape Ordinance canopy requirements in
36 the Land Development Code that result in to shade for buildings and
37 pavements;

38
39 e. ~~Use of pervious paving materials adjacent to landscape strips and islands~~
40 ~~to provide greater rooting volume for trees and shrubs; and~~

41
42 c. d. Species diversity in new plantings (no more than 50 20 percent of any one
43 genus-citywide, or on any site plan except those within airport flight paths,
44 or except for street tree plantings, which, on a given street should be

1 uniform with respect to genus, size and shape; however, street tree
2 diversity is to be attained citywide, even though it will not be attained on
3 an individual street) to reduce the effect of loss of a tree species due to
4 insect or disease outbreaks. (This policy excludes parking lots and road
5 medians, that may have up to 50 percent of one tree genus.)
6

7 d. e. A plan for the removal of invasive trees and shrubs shall be submitted at
8 the time of final development review.
9

10 ~~3.1.3~~ ~~By 1991, the City will have applied for a matching grant to conduct an inventory~~
11 ~~of city street trees to identify large trees and available planting locations. The~~
12 ~~information generated will be used as the basis for a comprehensive tree planting~~
13 ~~plan. If a grant is not awarded, then a study shall be conducted that will lead to the~~
14 ~~development of a comprehensive tree planting plan. By 1994, the City will~~
15 ~~conduct an independent study on the impact of trees on the infrastructure and~~
16 ~~shall submit a report, the information from which can be incorporated in the~~
17 ~~comprehensive tree planting plan so that appropriate trees can be planted in~~
18 ~~appropriate locations.~~
19

20 3.1.43 By 1992, all The City shall continue to require that removal of regulated trees (as
21 identified by the Gainesville Landscape Ordinance) that are not subject to
22 development plan approval shall be mitigated by on- or off-site tree planting (or
23 an equivalent exaction of fees) of at least 10 percent for regulated trees and 100
24 percent for Heritage trees (other than regulated water oak, laurel oak, camphor
25 and pine and tallow, which shall require 10% mitigation) of the total diameter
26 inches removed measured at breast height.
27

28 3.1.54 By 1995 2003, the City shall adopt prepare tree-lined streetscape guidelines which
29 require the preservation and establishment of tree-lined streets and compatibility
30 with existing infrastructure. In order to promote compatibility with infrastructure,
31 strategies such as placing overhead utilities underground, using aerial (or tree)
32 cabling, planting trees that are compatible with overhead utilities and reserving
33 street right-of-way for trees shall be implemented, when economically feasible.
34 All trimming within the public right-of-way shall use the National Arborist
35 Association's approved tree-pruning practices to minimize the physical and
36 aesthetic harm to trees that must be pruned.
37

38 ~~3.1.6~~ ~~In support of Policy 3.1.5, the City, shall, by June 1992, identify important street~~
39 ~~segments (to be known as "Gateway Streets") where a reduction in visual~~
40 ~~obtrusiveness of infrastructure would be desirable. Consideration of financial and~~
41 ~~physical obstacles associated with all existing infrastructure along suggested~~
42 ~~gateways will be made before official designation.~~
43

1 ~~3.1.7~~ ~~By 1992, the City shall prepare a plan for the establishment and preservation of~~
2 ~~tree-lined streets. This plan shall give priority to high-visibility Gateway Streets~~
3 ~~and important activity center road segments, as well as segments included on the~~
4 ~~Metropolitan Transportation Planning Organization (MTPO) Transportation~~
5 ~~Improvement Plan.~~

6
7 3.1.85 The City shall continue to remove invasive trees and shrubs from its rights-of-way
8 and property and to inform private property owners of the benefits of removing
9 invasive vegetation.

10
11 3.1.96 The City shall continue ~~amend the Land Development Code~~ to exclude invasive
12 vegetation from plant material permitted in landscape plans.

13
14 3.1.7 The City shall continue to have land development regulations that protect heritage
15 and champion trees as an important community resource. The regulation at a
16 minimum shall include:

- 17 a. Variations from land development regulations to save and preserve trees;
18 b. Levy of fines for the unlawful removal of trees as provided by the Code of
19 Ordinances; and
20 c. Setback requirements to protect trees before, during and after construction.

21
22 **Goal 4**

23
24 **Provide ongoing monitoring of environmental resources and mitigate current**
25 **pollution problems and potential point sources of pollution.**

26
27 **Objective 4.1**

28
29 ~~By June 1992,~~ The City shall participate in an environmental ~~quality~~ monitoring
30 program designed to identify problems and trends in local air, surface water,
31 groundwater, and plant and animal habitat quality. This program shall also be used to
32 evaluate the effectiveness of protective regulations.

33
34 **Policies**

35
36 4.1.1 The City shall work with the Alachua County Environmental Protection ~~Office~~
37 Department and other appropriate ~~agencies~~ organizations to design and implement
38 a comprehensive and ongoing monitoring program for Gainesville's
39 environmental resources. This program should have at least an urban area scope
40 and shall produce a "state of the environment" report ~~on~~ at least every five years
41 ~~an annual basis.~~

42
43 **Objective 4.2**

1 ~~By 1993,~~ The City shall identify pollution problems by and responsible parties parties
2 responsible, and shall establish strategies to mitigate, remediate, or assist in the
3 mitigation or remediation of, these problems in all watersheds within Gainesville's city
4 limits. ~~One priority~~ In consideration of the importance of water quality of the creeks in
5 our community, priority shall be given to improving the quality of water entering
6 Sweetwater Branch, Tumblin Creek and Hogtown Creek ~~which transmits water directly~~
7 ~~to the Floridan Aquifer through Alachua Sink.~~

8
9 **Policies**

10
11 4.2.1 ~~By December 1992~~ 2003, the City shall submit a National Pollutant Discharge
12 Elimination System (NPDES) permit application to FDEP in order to improve
13 surface water quality work with FDNR, FDEP, St. Johns Water Management
14 District and Alachua County to prepare a plan which at a minimum will be
15 consistent with NPDES permitting to ensure that water discharged by Sweetwater
16 Branch, into Paynes Prairie will be discharged in a manner that will support the
17 management objectives of FDNR and City objectives regarding protection of the
18 Floridan Aquifer System.

19
20 4.2.2 ~~The City shall comply with State pollution control requirements at the former~~
21 ~~Gainesville Airport Landfill and Burn Site described in the Solid Waste Element.~~

22
23 4.2.3 ~~By 1994, the City shall develop and implement a mitigation plan for identified~~
24 ~~point sources of air pollution from city-owned facilities.~~

25
26 4.2.2 The City shall continue to explore projects for improving water quality, including
27 the study of sedimentation problems, in the Hogtown Creek watershed with the
28 goal of reducing sediment accumulation in the vicinity of NW 34th Street by 2010.

29
30 4.2.3 The City shall continue to explore projects for improving water quality in
31 Tumblin Creek that are identified in the City of Gainesville Master Stormwater
32 Plan.

33
34 4.2.4 To enhance the quality of water entering Sweetwater Branch, the city will
35 construct a master stormwater basin to treat flow from downtown Gainesville.

36
37 4.2.5 The City shall coordinate with the Alachua County Environmental Protection
38 Department and other governmental entities in identifying pollution problems and
39 providing documentation and other relevant assistance as appropriate and feasible
40 towards the mitigation and remediation of pollution problems, including
41 assistance as necessary in cases where sanctions may be imposed for violations of
42 applicable environmental regulations.

ORDINANCE NO. _____
0-01-18

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An ordinance of the City of Gainesville, Florida, amending the Conservation, Open Space and Groundwater Recharge Element of the City of Gainesville 1991-2001 Comprehensive Plan; revising policies on wetlands; adding provisions concerning the Alachua County Forever program; adding provisions concerning the Alachua County Murphree Wellfield Protection Code; adding provisions concerning Floridan aquifer recharge areas; providing for an Environmentally Significant Land and Resources map series within the Future Land Use Map Series; adding Tumblin Creek and Hogtown Creek to the priority list for improving water quality; removing outdated provisions; amending provisions concerning NPDES permitting; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on January 31, 2001; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

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

1 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches
2 long was placed in the aforesaid newspaper notifying the public of the second Public
3 Hearing to be held at least 5 days after the day the second advertisement was published;
4 and

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

8 **WHEREAS**, prior to adoption of this ordinance, the City Commission has
9 considered the comments, recommendation and objections, if any, of the State Land
10 Planning Agency;

11 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
12 **THE CITY OF GAINESVILLE, FLORIDA:**

13 **Section 1.** The Conservation, Open Space and Groundwater Recharge Element of the
14 City of Gainesville 1991-2001 Comprehensive Plan is amended as shown in Attachment
15 "A".

16 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
17 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or
18 element, or portion thereof in order to fully implement this ordinance.

19 **Section 3.** It is the intent of the City Commission that this amended element will become
20 part of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a
21 resolution.

22 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
23 or unconstitutional by any court of competent jurisdiction, then said holding shall in no

1 way affect the validity of the remaining portions of this ordinance.

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

4 **Section 6.** This ordinance shall become effective immediately upon final adoption;
5 however, the amendment to the 1991-2001 Comprehensive Plan shall not become
6 effective until the state land planning agency issues a final order determining the adopted
7 amendment to be in compliance in accordance with section 163.3184(9), or until the
8 Administration Commission issues a final order determining the adopted amendment to
9 be in compliance in accordance with section 163.3184(10).

10

11

12 **PASSED AND ADOPTED** this _____ day of _____, 2001.

13

14

15

16

THOMAS D. BUSSING
MAYOR

17

18

19 **ATTEST:**

Approved as to form and legality

20

21

22

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

23

24

25 This Ordinance passed on first reading this _____ day of _____, 2001.

26 This Ordinance passed on second reading this _____ day of _____, 2001.

27

28 carter:ordinances:175CPA-00 PB

ATTACHMENT "A"

1
2
3 **Conservation, Open Space and Groundwater Recharge Element**
4

5 **Goal 1**
6

7 **Establish and maintain an integrated and urban-defining open space network that**
8 **protects and conserves key environmental features.**
9

10 **Objective 1.1**
11

12 Upon adoption of this Plan, the City shall protect all significant environmental lands and
13 resources identified ~~on Map 2 in the~~ (Environmentally Significant Land and Resources)
14 map series within the Future Land Use Map Series. The City shall continue to identify
15 environmentally significant open space and recreation sites for acquisition.
16

17 **Policies**
18

19 1.1.1 At a minimum the following standards and guidelines shall be used to protect
20 environmentally sensitive resources identified ~~on Map 2 in the~~ (Environmentally
21 Significant Land and Resources) map series within of the Future Land Use Map
22 Series:
23

24 a. Creeks: ~~Developments must be consistent with the "Regulations of~~
25 ~~Development Near Creeks" Ordinance, which prohibits Development is~~
26 prohibited within 35 feet of the centerline break in slope at the top of the
27 bank centerline of any regulated creek. Between 35 and 150 feet from the
28 break in slope at the top of the bank, there is a presumption that
29 development is detrimental to the regulated creek unless demonstrated
30 otherwise.
31

32 b. Wetlands: ~~Developments containing wetlands must maintain the existing~~
33 ~~level of wetland acreage and function on the property~~ avoid loss of function or
34 degradation of wetland habitat and/or wetland hydrology as the highest priority.
35 Degradation or loss of function that is unavoidable shall be minimized, and the
36 applicant must demonstrate that the cause of the degradation or loss of function is
37 clearly in the public interest. The City shall develop and implement land
38 development regulations that at a minimum:
39

- 40 1) Establish criteria for determining whether or not the proposed
41 development or activity is clearly in the public interest;
42 2) Establish mitigation ratios for wetland preservation, restoration and
43 creation;

- 3) Establish bonding, monitoring and maintenance requirements for wetland mitigation projects;
- 4) Establish means of assuring that the wetland mitigation project continues to exist and function as approved;
- 5) Require review and approval of wetland mitigation projects by qualified professionals.

- c. Lakes: Developments containing a natural lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be prohibited. Development shall be prohibited within 35 feet of the landward extent of a lake.
- d. Wellfields: Developments must be consistent with Policy 2.3.32 of this Element.
- e. Major Natural Groundwater Recharge Areas: Developments within this area must be consistent with Policies 2.3.43 and 2.3.5 of this Element.
- f. Upland Areas: Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed on up to the maximum of 75 percent of the parcel.

1.1.2 ~~The City shall adopt criteria for the urban area, and use these criteria to develop an inventory of open space and natural reservations to be considered for acquisition. These criteria shall be designed to preserve~~ use the environmentally significant properties inventory/ranking report to identify viable populations of native plant and animal species, environmentally significant areas, and unique geological or historic features that should be preserved, and show connectivity with other public lands and environmentally significant areas that should be maintained.

1.1.3 ~~By June 1992, The City shall adopt~~ continue to have land development regulations that require new developments to dedicate land and easements, using constitutional guidelines, particularly for the creation of buffers along and around surface waters and natural reservations and to facilitate the development of greenways.

1.1.4 The City shall ~~seek at~~ allocate a minimum of ~~\$300,000~~ \$150,000 per year toward ~~the acquisition and preservation from the Alachua County Forever funds for the purchase~~ of environmentally significant open space and recreation sites.

Objective 1.2

The City shall coordinate with Alachua County on the Alachua County Forever program.

Policies

1
2 1.2.1 The City shall seek to maximize the protection of environmentally sensitive lands
3 through the nomination of properties for acquisition with Alachua County Forever
4 and other relevant funds.
5

6 **Goal 2**

7
8 **Mitigate the effects of growth and development on environmental resources.**
9

10 **Objective 2.1**

11
12 Upon adoption of this Plan, ~~existing~~ citywide levels of wetland acreage and functions
13 within City limits shall be maintained to the extent feasible through the year ~~2001~~ 2010.
14

15 **Policies**

16
17 2.1.1 ~~By 1992, The City shall develop and~~ continue to maintain an inventory of
18 wetlands, and adopt land development regulations designed to ~~preserve~~ conserve
19 existing wetland acreages and preserve natural functions on a citywide basis.
20 When wetlands are unavoidably lost to development, mandatory mitigation shall
21 be required to ensure no net loss of acreage and functions occurs. Mitigation will
22 be performed within city limits except where special circumstances prohibit this
23 option, in which case all mitigation must remain within Alachua County.
24

25 **Objective 2.2**

26
27 The City shall improve the quality of stormwater entering City lakes and creeks by
28 requiring development and redevelopment to meet the adopted water quality standards of
29 this Element and the Stormwater Management Element.
30

31 **Policies**

32
33 2.2.1 The City shall ~~adopt land development regulations that~~ continue to require
34 stormwater quality treatment facilities for redevelopment of non-residential sites
35 and the Central City District, particularly within stream-to-sink basins.
36

37 ~~2.2.2 The City shall adopt land development regulations that reduce the amount of~~
38 ~~impervious parking surface allowed within any environmentally significant area,~~
39 ~~as compared to impervious allowances outside these areas. In these areas,~~
40 ~~reduction of impervious surface shall include reduction of required parking~~
41 ~~spaces, use of pervious surfaces, and/or use of multi-story parking structures to~~
42 ~~prevent damage to environmentally significant areas and transition zones.~~
43

44 2.2.32 The City shall ~~adopt~~ continue to have land development regulations that require
45 state-of-the-art best management practices for stormwater quality and hazardous

1 materials management designs to prevent damage to environmentally significant
2 areas and transition zones.

3
4 2.2.43 The City shall adopt land development regulations that require the handling of
5 hazardous materials in such a way as to prevent degradation of the natural
6 environment. At a minimum, this shall be achieved by complying with the
7 Alachua County Hazardous Materials Management Code (Ord. 91-6, 1991) and
8 the Alachua County Murphree Wellfield Protection Code, which:

9
10 a. Prohibits new, ~~large-scale chemical businesses,~~ hazardous materials
11 facilities, and regulated underground storage tank systems from siting within the
12 unconfined zone of the Floridan aquifer;

13
14 b. Prohibit new, large-scale hazardous materials facilities from siting within
15 the primary and secondary wellfield protection zones of the Murphree wellfield.

16
17 c. Requires new, large-scale ~~chemical businesses~~ hazardous materials
18 facilities to maintain large setbacks from surface waters, wells, and floodplains;
19 and

20
21 d. Requires stringent ~~chemical~~ hazardous materials storage and containment
22 designs, periodic monitoring, inspections, a management plan, fees, and penalties
23 for non-compliance.

24
25 2.2.54 The City shall ~~adopt~~ continue to have land development regulations that
26 supplement the standards of the applicable Water Management District to promote
27 the natural cleansing of water in creeks. Such standards shall include:

28
29 a. Limiting creek dredging;

30
31 b. Prohibiting channelization;

32
33 c. Requiring sedimentation controls during and after construction;

34
35 d. Protecting creek banks and vegetation;

36
37 e. Requiring treatment of the first "one inch" of runoff;

38
39 f. Restoring previously channelized creeks identified for restoration by the
40 City, provided that such restoration does not conflict with stormwater
41 management objectives.

42
43 2.2.65 The City shall maintain an inventory of altered creek segments suitable for
44 restoration to a more natural condition.

1 **Objective 2.3**

2
3 ~~By June 1992,~~ The City shall only permit activities that maintain drinking water resources
4 to meet the demands of population projected for the year ~~2001~~ 2010.

5
6 **Policies**

7
8 ~~2.3.1 To protect drinking water resources, the City shall adopt criteria for the location~~
9 ~~of hazardous materials collection/transfer/treatment facilities.~~

10
11 2.3.21 The City shall continue to cooperate with the Alachua County Environmental
12 Protection ~~Office~~ Department, the Florida Department of Environmental
13 Regulation Protection ~~(FDER)(FDEP)~~, the Water Management Districts, and the
14 Environmental Protection Agency (EPA) and shall support the appropriate
15 agencies with efforts to accomplish the following:

- 16
17 a. Identify areas of pollution to surface waters and groundwater;
- 18
19 b. Establish a monitoring program that provides an annual report describing
20 present environmental conditions and cleanup status;
- 21
22 c. Identify parties responsible for polluted areas, and require such parties to
23 mitigate pollution problems.

24
25 2.3.32 The City shall allow land uses and facility design ~~in that part of the City falling~~
26 ~~within wellfield management protection zones (and other "community water~~
27 ~~system" cones of influence as defined by Rule 17-550.200 and 9J-5.003(21),~~
28 ~~F.A.C.) and identified on Map 2 in the (Environmentally Significant Land and~~
29 ~~Resources) map series within of the Future Land Use Map Series, that are in~~
30 ~~compliance with the Murphree Wellfield Management Code Ordinance 88-15,~~
31 ~~Protection Code. adopted July 26, 1988 by the Alachua County Board of County~~
32 ~~Commissioners. New placement of septic tanks in the secondary zone for non-~~
33 ~~residential uses shall also be prohibited.~~

34
35 2.3.43 The City shall only allow new development ~~to place septic tanks~~ in commercial,
36 institutional, and industrial districts to place septic tanks:

- 37
38 a. In compliance with areas of major groundwater recharge, if the
39 development is in compliance with the Alachua County Hazardous
40 Material Code Ordinance 91-6 and does not include activities handling
41 hazardous materials as listed in EPA's extremely hazardous substances list
42 promulgated by SARA Title III; and Division 3., Wellfield Protection
43 Special Use Permit of the City's Land Development Code, and if the
44 development is in compliance with the Alachua County Hazardous
45 Materials Management Code.

- 1
2 b. In areas not shown as regulated creek, lake, wetland, and upland areas
3 identified ~~on Map 2~~ (in the Environmentally Significant Land and
4 Resources map series) of the Future Land Use Map Series.
5

6 2.3.54 The City shall ~~adopt~~ continue to have a water conservation plan consistent with
7 the Water Management Districts' plans (Sec. 373.175 & 373.246, F.S., and Chap.
8 40C-21, F.A.C.). The plan shall include strategies to deal with emergency
9 conditions, implement public education campaigns regarding the nature of
10 groundwater resources and the need to protect and conserve them, provide a
11 public information program on water reuse systems, and develop potable water
12 rate structures to encourage water conservation.

13
14 2.3.65 Pursuant to Section 373.0395, F.S., Water Management Districts ~~will~~ are to map
15 "prime" groundwater recharge areas within the County. Should such areas be
16 identified within City limits, the areas will be mapped and included in the adopted
17 comprehensive plan, and City land development regulations shall be amended to
18 protect such areas if they are not already protected by existing regulations and
19 programs.
20

21 2.3.6 Until such time as prime recharge areas are mapped, the City shall use the
22 Floridan Aquifer recharge maps prepared by the St. Johns River Water
23 Management District and the Suwannee River Water Management District (see
24 Environmentally Significant Land and Resources map series within the Future
25 Land Use Map Series). City land development regulations shall be amended to
26 protect such areas if existing regulations and programs do not already protect
27 them.
28

29 2.3.7 Final development orders shall require compliance with septic tank rules (Chapter
30 ~~10D-6, F.A.C. 64E-6, F.A.C. and Section 381.272 (9)(a), F.S.)~~
31

32 **Objective 2.4**

33
34 The City shall ~~adopt~~ amend its land development regulations, ~~based on performance~~
35 ~~standards keyed to the resources, that are~~ as necessary to conserve environmentally
36 significant surface waters; major natural groundwater recharge areas; ~~development-~~
37 ~~constraining soils; threatened or endangered~~ or listed (or candidates for being listed)
38 plants, animals and habitats; and prevent the spread of invasive vegetation. The adopted
39 regulations shall be designed to maintain viable populations of these existing plant and
40 animal species and allow development activities which are compatible with identified
41 environmentally significant lands and resources. (See ~~Map 2 of~~ Environmentally
42 Significant Land and Resources map series within the Future Land Use Map Series.).
43
44

1 **Policies**

- 2
- 3 2.4.1 ~~By 1993,~~ The City shall maintain an updated its inventory of identified
4 environmentally significant resources identified ~~on Map 2 in the Environmentally~~
5 Significant Land and Resources map series within of the Future Land Use Map
6 Series. If additional resources are identified, these properties shall be subject to
7 ~~performance-based~~ regulations keyed to the resource present at the site. The
8 Future Land Use Map Series shall be amended to include these properties.
9
- 10 2.4.2 The City shall adopt land development regulations that protect identified
11 threatened or endangered or listed (or candidates for being listed) plants, animals
12 or habitats. These regulations shall require developments of parcels within the
13 environmentally significant areas to submit an ecological inventory of the parcel.
14
- 15 2.4.3 The City shall ~~develop~~ continue to have guidelines for the design of stormwater
16 basins that require the use of native vegetation and basin slopes suitable for
17 stormwater treatment that promote highly diverse plant and animal habitats,
18 particularly within stream-to-sink basins, and that enhance the hydrological and
19 ecological functions of related wetland areas.
20
- 21 2.4.4 ~~By 1994, the City shall identify road segments where large numbers of animals are~~
22 ~~killed ("road kills") and establish mitigation policies to be used in conjunction~~
23 ~~with future road improvements. Future road alignments shall avoid~~ minimize their
24 impact on environmentally significant animal habitats.
25
- 26 2.4.5 The City shall ~~adopt land development regulations that~~ continue to require
27 construction design consistent with existing terrain by discouraging contouring,
28 cut and fill, or other practices where they might be shown to cause soil erosion.
29
- 30 2.4.6 The City shall ~~adopt~~ continue to have land development regulations for
31 environmentally significant wetlands, lakes and regulated creeks that require:
32
- 33 a. Setbacks from regulated creeks, lakes and wetlands;
 - 34
 - 35 b. Prohibition of development ~~which that~~ would cause erosion and sediment
36 pollution to regulated creeks, lakes and wetlands;
 - 37
 - 38 c. No net increase in the rate of runoff from development sites adjacent to
39 regulated creeks, lakes and wetlands;
 - 40
 - 41 d. Retention or detention of the first inch of runoff of developments adjacent
42 to regulated creeks, lakes and wetlands, through on-site filtration;
 - 43
 - 44 e. Retention of vegetation integral to the ecological value of regulated creeks,
45 lakes and wetlands;

- 1
2 f. Compliance with the City's adopted criteria for controlling sediment and
3 erosion;
4
5 g. Allowance of a transfer of development intensity and density from lower
6 to higher elevations of a site; and
7
8 h. Prohibition on the installation of all septic tanks.
9

10 2.4.7 The City shall ~~annually~~ periodically conduct an inventory of environmentally
11 significant plants, animals, and habitats within at least two city-owned parks or
12 open space parcels; prepare a list of plants, animals, and habitats to protect; and
13 prepare a plan for the maintenance of viable populations of these plants and
14 animals.

15 2.4.8 ~~By 1992,~~ Chemical control efforts by the City to manage pest species shall only
16 include use of chemicals ~~designated by the City to be~~ that are safe for wildlife and
17 public health. Chemical control will be used only when non-chemical controls do
18 not abate the pest problem.
19

20 2.4.9 The City shall coordinate with Alachua County, ~~FDNR~~ FDEP and the Water
21 Management Districts to conserve environmentally significant ~~vegetative plant~~ plant
22 communities ~~located within both the City and within the unincorporated area by~~
23 submitting relevant land development proposals for review to the Alachua County
24 Environmental Protection ~~Office~~ Department, the applicable Water Management
25 District, and ~~FDNR~~ FDEP for comment and recommendation.
26

27 ~~2.4.10 By June 1992, the City shall adopt land development regulations that include (1) a~~
28 ~~definition of environmentally significant open space and other categories of open~~
29 ~~space; and (2) regulations to preserve such open space.~~
30

31 2.4.11~~10~~ The City shall protect floodplains through existing land development regulations
32 ~~which~~ that at a minimum:
33

- 34 a. Prohibit development within the flood channel or floodplain without a
35 City permit;
36
37 b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
38
39 c. Prohibit permanent structures in the flood channel, except for those
40 necessary for flood control, streets, bridges, sanitary sewer lift stations,
41 and utility lines;
42
43 d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise
44 potentially harmful materials in the flood channel;
45

- 1 e. Prohibit development within the floodplain ~~which~~ that would reduce the
2 capacity of the floodplain;
3
4 f. Prohibit development ~~which~~ that would cause or create harmful soil
5 erosion, stagnant water, and irreversible harmful impacts on existing flora
6 and fauna;
7
8 g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and
9 parking areas; and
10
11 h. Limit floodplain uses to launching areas for boats and structures at least
12 one foot above the 100-year flood elevation, in addition to those allowed
13 in the flood channel.
14

15 ~~2.4.1211~~ The City's ~~shall amend its current~~ land development regulations shall to include
16 ~~performance-based standards to~~ protect environmentally significant lands and
17 resources ~~that will at minimum~~ by:

- 18
19 a. Controlling permissible uses through regulatory overlay districts;
20
21 b. Providing opportunities for alternative and innovative site development;
22
23 c. ~~Establish~~ Providing setback and parking standards;
24
25 d. Providing mandatory mitigation to ~~ensure no~~ minimize net loss of acreage
26 and functions when wetlands are unavoidably lost;
27
28 e. Allowing for, or require, the clustering of development away from
29 environmentally significant resources; and
30
31 f. Restricting on-site waste disposal systems.
32

33 ~~2.4.1312~~ At a minimum, conservation strategies for significant ~~vegetative~~ natural
34 communities shall include:

- 35
36 a. Required ~~preservation~~ conservation of native upland ~~vegetative~~ natural
37 communities;
38
39 b. Installation of native vegetation landscaping and removal of invasive trees
40 and shrubs; and
41
42 c. ~~Surface water~~ Setbacks.
43

Objective 2.5

The City shall continue existing programs and institute new programs as necessary to maintain air quality levels which comply with county, state and national ambient air quality standards through the year ~~2001~~ 2010.

Policies

2.5.1 Adopt citywide regulations restricting or prohibiting the burning of plastics, particularly with regard to local government, institutional, or commercial incineration. (~~Refer to Solid Waste Element for additional incineration policies.~~)

~~2.5.2 By 1995 the City shall make available a general information brochure describing known radon hazards in the City.~~

2.5.3~~2~~ The City shall encourage ~~non-auto~~ transportation choice by adopting new programs and strategies as may be needed to encourage public mass transit use, bicycling, walking, and higher urban development densities near neighborhood centers activity centers, satellite parking lots, and mixed land uses.

Objective 2.6

The City shall continue to promote and practice energy natural resource conservation and pollution prevention ~~to reduce energy consumption and demand~~ in order to reduce negative impacts on the environment. To accomplish this, the City shall continue to incorporate energy saving natural resource-saving and pollution prevention policies in this Element and other elements of the Comprehensive Plan (such as Solid Waste, Future Land Use, and ~~Traffic Circulation~~ Transportation Mobility).

Policies

~~2.6.1 By 1992, after completion of the Local Energy Engineer Program (LEEP), the City shall amend the Comprehensive Plan to include an Energy Element unless it is deemed unnecessary.~~

2.6.2~~1~~ The City shall continue to provide customers with education and incentive programs to encourage ~~reduced energy consumption~~ natural resource conservation and pollution prevention.

Goal 3

Improve urban spaces through preservation and enhancement of the urban forest.

1 **Objective 3.1**

2
3 ~~After January 1, 1992,~~ The total percentage of tree canopy coverage within the City shall
4 not fall below the 1992~~4~~ percentage of tree canopy, as estimated by the City Manager or
5 his designee, ~~using methods developed by the Florida Division of Forestry,~~ except in the
6 event of natural catastrophe ~~(disease or insect epidemic, or storm).~~

7
8 **Policies**

9
10 3.1.1 ~~By 1992, establish a tree planting program whereby~~ The City shall continue to
11 plants at least 400 trees (or 650 inch-diameters at chest height) within City limits
12 annually, and encourage developers and citizens to plant at least 600 trees
13 annually. At least 75 percent of the trees should be native to north Florida.

14
15 3.1.2 The City shall adopt land development regulations for new development that
16 require the following:

- 17
18 a. ~~Use of native and drought-tolerant plants ("xeriscape") and a reduction in~~
19 ~~allowable turf area;~~
20
21 b. ~~Energy conservation through a 5-percent increase in tree and shrub canopy~~
22 ~~over the 1990 Gainesville Landscape Ordinance canopy requirement to~~
23 ~~shade buildings and pavements;~~
24
25 c. ~~Use of pervious paving materials adjacent to landscape strips and islands~~
26 ~~to provide greater rooting volume for trees and shrubs; and~~
27
28 d. ~~Species diversity in new plantings (no more than 20 percent of any one~~
29 ~~genus citywide, or on any site plan except those within airport flight paths)~~
30 ~~to reduce the effect of loss of a tree species due to insect or disease~~
31 ~~outbreaks. (This policy excludes parking lots and road medians, that may~~
32 ~~have up to 50 percent of one tree genus.)~~
33
34 a.e. A plan for the removal of invasive trees and shrubs shall be submitted at
35 the time of final development review.

36
37 ~~3.1.3 By 1991, the City will have applied for a matching grant to conduct an inventory~~
38 ~~of city street trees to identify large trees and available planting locations. The~~
39 ~~information generated will be used as the basis for a comprehensive tree planting~~
40 ~~plan. If a grant is not awarded, then a study shall be conducted that will lead to the~~
41 ~~development of a comprehensive tree planting plan. By 1994, the City will~~
42 ~~conduct an independent study on the impact of trees on the infrastructure and shall~~
43 ~~submit a report, the information from which can be incorporated in the~~
44 ~~comprehensive tree planting plan so that appropriate trees can be planted in~~
45 ~~appropriate locations.~~

1
2 3.1.43 ~~By 1992, all~~ The City shall continue to require that removal of regulated trees (as
3 identified by the Gainesville Landscape Ordinance) that are not subject to
4 development plan approval shall be mitigated by on- or off-site tree planting (or
5 an equivalent exaction of fees). ~~of at least 10 percent for regulated trees and 100~~
6 ~~percent for Heritage trees (other than regulated water oak, laurel oak, camphor~~
7 ~~pine and tallow, which shall require 10% mitigation) of the total diameter inches~~
8 ~~removed measured at breast height.~~

9
10 3.1.54 ~~By 1995~~ 2003, the City shall ~~adopt~~ prepare tree-lined streetscape guidelines which
11 require the preservation and establishment of tree-lined streets and compatibility
12 with existing infrastructure. In order to promote compatibility with infrastructure,
13 strategies such as placing overhead utilities underground, using aerial (or tree)
14 cabling, planting trees that are compatible with overhead utilities and reserving
15 street right-of-way for trees shall be implemented, when economically feasible.
16 All trimming within the public right-of-way shall use the National Arborist
17 Association's approved tree-pruning practices to minimize the physical and
18 aesthetic harm to trees that must be pruned.

19
20 3.1.6 ~~In support of Policy 3.1.5, the City, shall, by June 1992, identify important street~~
21 ~~segments (to be known as "Gateway Streets") where a reduction in visual~~
22 ~~obtrusiveness of infrastructure would be desirable. Consideration of financial and~~
23 ~~physical obstacles associated with all existing infrastructure along suggested~~
24 ~~gateways will be made before official designation.~~

25
26 3.1.7 ~~By 1992, the City shall prepare a plan for the establishment and preservation of~~
27 ~~tree-lined streets. This plan shall give priority to high-visibility Gateway Streets~~
28 ~~and important activity center road segments, as well as segments included on the~~
29 ~~Metropolitan Transportation Planning Organization (MTPC) Transportation~~
30 ~~Improvement Plan.~~

31
32 3.1.85 The City shall continue to remove invasive trees and shrubs from its rights-of-way
33 and property and to inform private property owners of the benefits of removing
34 invasive vegetation.

35
36 3.1.96 The City shall continue ~~amend the Land Development Code~~ to exclude invasive
37 vegetation from plant material permitted in landscape plans.

38
39 **Goal 4**

40
41 **Provide ongoing monitoring of environmental resources and mitigate current**
42 **pollution problems and potential point sources of pollution.**

1 **Objective 4.1**

2
3 ~~By June 1992,~~ The City shall ~~establish~~ participate in an environmental ~~quality~~ monitoring
4 program designed to identify problems and trends in local air, surface water, groundwater,
5 and plant and animal habitat quality. This program shall also be used to evaluate the
6 effectiveness of protective regulations.

7
8 **Policies**

9
10 4.1.1 The City shall work with the Alachua County Environmental Protection ~~Office~~
11 Department and other appropriate ~~agencies~~ organizations to design and implement
12 a comprehensive and ongoing monitoring program for Gainesville's
13 environmental resources. This program should have at least an urban area scope
14 and shall produce a "state of the environment" report ~~on~~ at least every five years
15 ~~an annual basis.~~

16
17 **Objective 4.2**

18
19 ~~By 1993,~~ The City shall identify pollution problems ~~by responsible parties~~ and shall
20 establish strategies to mitigate, remediate, or assist in the mitigation or remediation of,
21 these problems. ~~One priority~~ Priority shall be given to improving the quality of water
22 entering Sweetwater Branch, Tumblin Creek and Hogtown Creek, ~~which transmits water~~
23 ~~directly to the Floridan Aquifer through Alachua Sink.~~

24
25 **Policies**

26
27 4.2.1 ~~By December 1992~~ 2003, the City shall submit a National Pollutant Discharge
28 Elimination System (NPDES) permit application to FDEP in order to improve
29 surface water quality work with FDNR, St. Johns Water Management District and
30 Alachua County to prepare a plan which at a minimum will be consistent with
31 NPDES permitting to ensure that water discharged by Sweetwater Branch, into
32 Paynes Prairie will be discharged in a manner that will support the management
33 objectives of FDNR and City objectives regarding protection of the Floridan
34 Aquifer System.

35
36 4.2.2 ~~The City shall comply with State pollution control requirements at the former~~
37 ~~Gainesville Airport Landfill and Burn Site described in the Solid Waste Element.~~

38
39 4.2.3 ~~By 1994, the City shall develop and implement a mitigation plan for identified~~
40 ~~point sources of air pollution from city-owned facilities.~~

41
42 4.2.2 The City shall continue to explore projects for improving water quality, including
43 the study of sedimentation problems, in the Hogtown Creek watershed with the
44 goal of reducing sediment accumulation in the vicinity of NW 34th Street by 2010.

1 4.2.3 The City shall continue to explore projects for improving water quality in
2 Tumblin Creek that are identified in the City of Gainesville Master Stormwater
3 Plan.

4
5 4.2.4 To enhance the quality of water entering Sweetwater Branch, the city will
6 construct a master stormwater basin to treat flow from downtown Gainesville.

