

1 Within the TCEA, retail petroleum sales at service stations and/or car washes, either separately,  
 2 or in combination with the sale of food or with eating places, shall be required to obtain a Special  
 3 Use Permit. In addition to the review criteria set in the Land Development Code for Special Use  
 4 Permits, the following review standards shall be included:

- 5 a. Site design shall enhance pedestrian/bicycle access to any retail or restaurant facilities on  
 6 site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the site plan.
- 7 b. The number and width of driveways shall be minimized.
- 8 c. Except where more stringently regulated by a Special Area Plan or overlay district, the  
 9 maximum number of fueling positions shall be set as follows:

- 10 1. No limitation on fueling positions in the Industrial zoning categories;
- 11 2. Six fueling positions in the Mixed Use Low land use category or Mixed Use 1 zoning  
 12 district;
- 13 3. Until adoption, in the Land Development Code, of specific architectural and design  
 14 standards, six fueling positions in all other zoning categories where gasoline service  
 15 stations (retail petroleum sales) or food stores with accessory gasoline and alternative  
 16 fuel pumps are allowed. In the interim period before the adoption of architectural and  
 17 design standards, additional fueling positions, up to a maximum of twelve, may be  
 18 allowed as part of a Planned Development rezoning or Special Use Permit process, with  
 19 the final approval of the City Commission, based on meeting all of the following  
 20 conditions:

- 21 a. The size of the site can safely accommodate the additional fueling positions while  
 22 meeting all required landscaping, buffering, and other Land Development Code  
 23 requirements;

- 1           b. Site access and traffic safety conditions on adjacent roadways and intersections are
- 2           not compromised by the additional trips generated by the additional fueling
- 3           positions;
- 4           c. Pedestrian/bicycle safety and comfort in the area are not compromised by the
- 5           additional trips generated by the additional fueling positions;
- 6           d. The architectural and site design are of such high quality that they enhance the site
- 7           area and promote the City’s multi-modal and design goals. As part of a Planned
- 8           Development rezoning or Special Use Permit review process, the developer shall
- 9           provide a development plan, elevations and architectural renderings of the proposed
- 10          site including details such as, but not limited to, façade treatment, colors, lighting,
- 11          roof detail, signage, landscaping, building location relative to the street, and location
- 12          of access points.
- 13          e. Cross-access or joint driveway usage is provided to other adjacent developments.
- 14          f. Retail convenience goods sales or a restaurant are included in the development and
- 15          designed such that pedestrian or bicycle use of the site is encouraged. The retail
- 16          convenience goods sales or restaurant building and development shall meet all of the
- 17          following requirements:
- 18            1. Building(s) shall be placed close to the public sidewalk for a substantial length
- 19            of the site’s linear frontage;
- 20            2. A minimum of 30 percent window area or glazing at pedestrian level (between 3
- 21            feet above grade and 8 feet above grade) on all first-floor building sides with
- 22            street frontage. Windows or glazing shall be at least 80 percent transparent;

- 1           3. A pedestrian entry is provided from the public sidewalk on the property frontage;
- 2           or, near a building corner when the building is on a corner lot;
- 3           4. Off-street parking shall be located to the side or rear of the building;
- 4           5. The building height and façade elevation are appropriate for the site and
- 5           surrounding zoned properties.
- 6           4. Until adoption in the Land Development Code of specific architectural and design
- 7           standards, ten fueling positions within ¼ mile of an I-75 interchange. In the interim
- 8           period before the adoption of architectural and design standards, additional fueling
- 9           positions, to a maximum of twelve, may be allowed as part of a Planned Development
- 10          rezoning or Special Use Permit process, with the final approval of the City Commission,
- 11          based on meeting all of the conditions shown in 3 a-f above.

12 Policy ~~1.4.11~~1.4.10

13 Within the TCEA, ~~the City shall adopt Land Development Regulations~~ development plans for the  
14 placement of new parking garages as a principal or accessory use ~~that~~ shall address:

- 15 a. minimizing conflict with pedestrian and bicycle travel routes;
- 16 b. providing parking for residents, employees, or customers in order to reduce the need for on-
- 17 site surface parking;
- 18 c. being located and designed to discourage vehicle access through residential streets;
- 19 d. designing facilities for compatibility with neighborhoods by including ground floor retail,
- 20 office, or residential use/development (as appropriate for the zoning district) when located on
- 21 a public street. The facility shall also have window and facade design that is scaled to relate
- 22 to the surrounding area.

23 Objective 1.5

1 In order to enhance the visual characteristics of roadways and create an appealing environment  
2 which supports multi-modal transportation opportunities, the City shall adopt streetscaping and  
3 landscaping standards for regulated roadways within the TCEA.

4 Policy 1.5.1

5 The November 1998 Gateway Corridor Design Concept Plan shall be used as the basis for all  
6 landscape plans to be prepared for the rights-of-way and medians of all regulated roadways  
7 within the TCEA.

8 Policy 1.5.2

9 The City Arborist shall approve final landscaping proposals required in Policy 1.5.1.

10 Policy 1.5.3

11 The priority for landscaping of roadway rights-of-way and/or medians shall be within Zone A of  
12 the TCEA. First priority shall be given to major arterials within Zone A. Funding for the  
13 installation of landscape projects within Zone A shall be from the City, Community  
14 Redevelopment Agency, state and federal government, and/or grants, as an incentive for  
15 development within the area. Maintenance responsibility shall be provided by the City,  
16 Community Redevelopment Agency, or grant funds.

17 Policy 1.5.4

18 The City shall include right-of-way and median landscaping as part of any major roadway  
19 modification program.

20 Policy 1.5.5

21 New development within Zone B or Zone C shall be required to plant ~~an~~ minimum ~~45~~ 65-gallon-  
22 sized trees, ~~12~~ 18-feet tall and ~~2.5~~ 3.5 inches in trunk caliper, or their equivalent in winter-dug  
23 and hardened-off balled and burlapped trees for the required landscaping along roadways within

1 Zone B as listed in the annual level of service report produced by the North Central Florida  
2 Regional Planning Council, selected from the Tree List in the Land Development Code. Within  
3 Zone C, the 65-gallon tree landscaping requirement shall apply to all public or private streets. If  
4 ~~45-65-~~ gallon or equivalent trees are not available, the number of required shade trees can be  
5 appropriately increased with the approval of the City Arborist or designee. All new development  
6 sites within Zone B and Zone C shall also be required to install an automated irrigation system to  
7 preserve new landscaping. Redevelopment sites shall be required to meet this landscaping policy  
8 at a 50 percent rate. Redevelopment sites where 40 percent or more of the developed area (as  
9 defined in the Land Development Code) of the site is being altered shall also be required to meet  
10 the automated irrigation system requirement. Trees shall be planted on private property within  
11 buffer areas or on right-of-way, if approved by the City. Land Development Code regulations  
12 shall specify the type, size, and other standards for trees planted to meet TCEA requirements.  
13 Developments within areas designated in the Land Development Code as landscape exempt,  
14 areas within Special Area Plans with pedestrian-oriented build-to line provisions, area within the  
15 approach and clear zone areas as specified on the Gainesville Regional Airport master plan, and  
16 developments meeting the criteria for Rapid Review as shown in the Land Development Code  
17 shall be excluded from these requirements.

18 Objective 1.6

19 The City shall adopt the following policies to regulate parking within the TCEA.

20 Policy 1.6.1

21 Within the TCEA, parking in excess of the minimum required by the Land Development Code  
22 shall not be allowed.

23 Policy 1.6.2

1 Within the TCEA, developments may apply for a parking reduction based on criteria in the Land  
2 Development Code.

3 Objective 1.7

4 The City shall coordinate with the Metropolitan Transportation Planning Organization (MTPO)  
5 to balance the need for and design of roadway modifications with the City's needs for urban  
6 redevelopment, infill and quality urban design.

7 Policy 1.7.1

8 In cooperation with the MTPO, the City shall encourage that all designs for new roadways and  
9 redesigns of existing roadways include consideration of features to improve multi-modal  
10 transportation, as appropriate. These considerations shall include construction of bus turn-out  
11 facilities, bicycle lanes, sidewalks, enhanced pedestrian crosswalks, pedestrian scale lighting,  
12 landscaping of medians and rights-of-way, and traffic calming mechanisms.

13 Policy 1.7.2

14 As part of the ongoing coordination with the MTPO and the Florida Department of  
15 Transportation, the City shall designate corridors where road widening is not feasible or  
16 desirable. These roadway corridors shall then be designated as "Policy Constrained" or  
17 "Physically Constrained" facilities where alternatives to road widening are the primary strategy  
18 for roadway congestion.

19 Objective 1.8

20 The City shall coordinate on an ongoing basis with Alachua County concerning the TCEA.

21 Policy 1.8.1

22 For developments generating more than 100 net, new trips within 1/4 mile of a County-  
23 maintained road or the unincorporated area, or for any projects within the TCEA that generate

1 more than 1,000 net, new trips. County staff will be forwarded any development plans and  
2 associated traffic studies. County staff shall have the opportunity to comment on the proposed  
3 development and its impacts on County-maintained roads or State-maintained roads and any  
4 standards proposed/required to be met under Policy 1.1.6 or 1.1.7. County staff may raise the  
5 trip threshold for review of plans at any time by informing the City of such change, in writing.  
6 Policy 1.8.2

7 The City shall cooperate with Alachua County in the establishment of a joint TCEA for areas  
8 bordering the City's TCEA as long as the policies within the County's portion of the TCEA are  
9 the same or substantially similar to the City's.

10 Policy 1.8.3

11 After receipt of the annual update of the Level of Service Report produced by the North Central  
12 Florida Regional Planning Council, the City shall annually monitor and evaluate the impacts of  
13 approved development within the TCEA on County-maintained roads and share the information  
14 with Alachua County.

15 Objective 1.9

16 The City shall coordinate on an ongoing basis with the Florida Department of Transportation  
17 (FDOT) concerning the TCEA.

18 Policy 1.9.1

19 For all developments accessing State roads, FDOT staff shall have the opportunity to comment  
20 on the proposed development and its impacts on State roads.

21 Policy 1.9.2

22 After receipt of the annual update of the Level of Service Report produced by the North Central  
23 Florida Regional Planning Council, the City shall annually monitor and evaluate the impacts of

1 developments in the TCEA on the Florida Intrastate Highway System and share that information  
2 with the Florida Department of Transportation.

3 Objective 1.10

4 The City shall continue to enforce transportation concurrency requirements for all developments  
5 outside the adopted TCEA.

6 Policy 1.10.1

7 Outside the TCEA, transportation concurrency requirements (for roads and transit) shall be met  
8 under any of the following standards:

9 a. The necessary facilities and services, at the adopted level of service standard, are in place or  
10 under construction at the time a final development order is issued.

11 b. The necessary facilities and services to serve the new development, at the adopted level of  
12 service standard, are scheduled to be in place or under actual construction not more than  
13 three years after issuance of a certificate of occupancy as provided in the City's adopted  
14 Five-Year Schedule of Capital Improvements. The Capital Improvements Element must  
15 include the following information and/or policies:

16 1. The estimated date of commencement of actual construction and the estimated date of  
17 project completion.

18 2. A provision that a plan amendment is required to eliminate, defer, or delay construction  
19 of any road or transit facility or service which is needed to maintain the adopted level of  
20 service standard and which is listed in the Five-Year Schedule of Capital Improvements.

21 c. The necessary facilities and services to serve the new development, at the adopted level of  
22 service standard, are transportation projects included in the first three years of the applicable  
23 adopted FDOT five-year work program.



1 d. At the time a final development order is issued, the necessary facilities and services are  
 2 guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida  
 3 ~~Statues~~ Statutes, or an agreement or development order issued pursuant to Chapter 380,  
 4 Florida Statutes, to be in place or under actual construction not more than three years after  
 5 issuance of a Certificate of Occupancy.

6 e. At the time a final development order is issued, the necessary facilities and services are  
 7 guaranteed in an enforceable development agreement, which guarantee is secured by a  
 8 completion bond, letter of credit, or other security acceptable to the City Attorney. The  
 9 agreement must guarantee that the necessary facilities and services will be in place or under  
 10 actual construction not more than three years after issuance of a Certificate of Occupancy.

11 The development may meet any of the requirements in Policy 1.10.1 by making a payment and  
 12 contracting with the City in an enforceable agreement for the provision of the facilities or  
 13 services.

14 Policy 1.10.2

15 Outside the TCEA, a proposed urban redevelopment project located within the City's existing  
 16 service area as shown on the Future Land Use Map series, shall be traffic concurrency exempt  
 17 for roadway level of service standards for up to 110 percent of the transportation impact  
 18 generated by the previously existing development. A previously existing development shall be  
 19 defined as the actual previous built use which was occupied and active within the last five years  
 20 prior to application for development plan review. The transportation concurrency exemptions  
 21 granted under this policy shall not relieve development from providing public sidewalks along all  
 22 street frontages, sidewalk connections from the building to the public sidewalk, and closure of  
 23 existing excessive, duplicative or unsafe curb cuts or narrowing of overly wide curb cuts at the

1 development site as defined in the Access Management portion of the Land Development Code.  
2 Transportation modifications which are required due to traffic safety and/or operating conditions  
3 unrelated to transportation concurrency shall be provided by the developer.

4 Policy 1.10.3

5 Outside the TCEA, for the purpose of issuing a final development order, a proposed development  
6 shall be defined as having a de minimis impact (as defined by ~~Chapter~~ section 163.3180, Florida  
7 Statutes), and be exempt from transportation concurrency for roadway level of service standards  
8 as follows:

- 9 a. The impact would not affect more than one percent of the maximum service volume at the  
10 adopted level of service of the affected roadway segment.
- 11 b. No impact shall be de minimis if the sum of existing roadway volumes and the projected  
12 volumes from approved projects on a roadway segment would exceed 110 percent of the  
13 maximum volume at the adopted level of service of the roadway segment.
- 14 c. A single family dwelling on an existing lot of record (which existed prior to the adoption of  
15 the 1991 Comprehensive Plan) shall constitute a de minimis impact on any affected roadway  
16 segments regardless of the level of service standard deficiency of the roadway segments.
- 17 d. Exemptions from transportation concurrency granted under Policy 1.10.3 shall not relieve the  
18 development from, where necessary, providing public sidewalks along all street frontages,  
19 sidewalk connections from the building to the public sidewalk, and closure of existing  
20 excessive, duplicative or unsafe curb cuts or narrowing of overly wide curb cuts at the  
21 development site as defined in the Access Management portion of the Land Development  
22 Code. Transportation modifications which are required due to traffic safety and/or operating  
23 conditions unrelated to transportation concurrency shall be provided by the developer.

1           **Section 2.** Policy 1.5.6, Objective 1.5, Goal 1, of the Future Land Use Element  
2 Goals, Policies and Objectives, City of Gainesville 2000-2010 Comprehensive Plan, is  
3 hereby amended to read as follows:

4 The City certifies that the entire area within current city limits meets the Chapter  
5 163.3164(29), Florida Statutes' definition of an existing urban service area as supported  
6 by the Data and Analysis Report. The City hereby establishes city limits, ~~as of the~~  
7 ~~effective date of this amendment~~, as an existing urban service area for the purposes of the  
8 Transportation Concurrency Exception Area (TCEA).

9           **Section 3.** Policy 1.2.6, Objective 1.2, Goal 1 of the Capital Improvements  
10 Element Goals, Objective and Policies, City of Gainesville 2000-2010 Comprehensive  
11 Plan, is hereby amended to read as follows:

12 The City shall adopt the following LOS standards for public facilities within its jurisdiction as  
13 indicated in the relevant Elements of its Comprehensive Plan:

14 Transportation Mobility:       Policies 3.2.3, 7.1.6, 7.1.7, 7.1.8, ~~7.1.9~~, 7.1.11, ~~7.1.12~~, 7.1.13  
15   ~~7.2.3~~

16 Stormwater:                       Policy 1.1.1

17 Potable Water:                    Policy 1.1.1

18 Wastewater:                      Policy 1.1.2

19 Recreation:                      Policy 1.1.1

20 Solid Waste:                      Policy 1.4.1

21 Concurrency Management:       Policies 1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.1.5, 1.1.6, 1.1.7, 1.1.9, 1.1.10

22           **Section 4.** The City Manager is authorized and directed to make the necessary

1 changes in maps and other data in the City of Gainesville 2000-2010 Comprehensive  
2 Plan, or element, or portion thereof in order to fully implement this ordinance.

3 **Section 5.** It is the intent of the City Commission that these amended elements  
4 will become part of the City of Gainesville 2000-2010 Comprehensive Plan.

5 **Section 6.** If any section, sentence, clause or phrase of this ordinance is held to be  
6 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
7 in no way affect the validity of the remaining portions of this ordinance.

8 **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the  
9 extent of such conflict hereby repealed.

10 **Section 8.** This ordinance shall become effective immediately upon final  
11 adoption; however, the effective date of this plan amendment shall be the date a final  
12 order is issued by the Administration Commission finding the amendment to be in  
13 compliance in accordance with Section 163.3184, F.S.

14 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

15

16

17

\_\_\_\_\_  
PEGEEN HANRAHAN. MAYOR

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

This Ordinance passed on first reading this 27<sup>th</sup> day of June, 2005.

25

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.