

ORDINANCE NO. 100776

1
2
3 **An ordinance amending the City of Gainesville 2000-2010**
4 **Comprehensive Plan Future Land Use Element Policy 4.3.5 for**
5 **the Hatchet Creek Planned Use District; by deleting policy**
6 **4.3.5.f in its entirety; providing directions to the city manager;**
7 **providing time limitations for PD zoning; providing a**
8 **severability clause; providing a repealing clause; and providing**
9 **an effective date.**

10
11 **WHEREAS**, by initiation of a petition by property owner, publication of notice of a public
12 hearing that the Future Land Use Map be amended by deleting policy 4.3.5.f in its entirety; and

13 **WHEREAS**, notice was given and publication made as required by law and a public
14 hearing was held by the City Plan Board on February 24, 2011; and

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

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

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

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

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

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
 4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** Goal 4, Objective 4.3 of the Future Land Use Element of the City of Gainesville
 6 2000-2010 Comprehensive Plan is amended by deleting Policy 4.3.5.f in its entirety. Except as
 7 amended herein, Goal 4, its Objectives and its Policies, all remain in full force and effect:

8 Goal 4

9 The land use element shall foster the unique character of the City by directing growth and
 10 redevelopment in a manner that uses neighborhood centers to provide goods and services to city
 11 residents; protects neighborhoods; distributes growth and economic activity throughout the city in
 12 keeping with the direction of this element; preserves quality open space and preserves the tree
 13 canopy of the city, the land use element shall promote statewide goals for compact development
 14 and efficient use of infrastructure.

15
 16 Objective 4.3

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

19
 20 Policy 4.3.5 Due to the unique infrastructure and environmental constraints of the Hatchet Creek
 21 Planned Use District (the "PUD"), as depicted on the map labeled Hatchet Creek
 22 PUD Area in the Future Land Use Map Series A, the PUD shall be governed by the
 23 following conditions:

- 24
 25 a. The residential density and allowable residential uses within the Planned
 26 Use District is a maximum of 1,200 residential units and 300 Assisted
 27 Living Facility (ALF) beds.
 28
 29 b. The non-residential and non-ALF intensity and allowable non-residential
 30 and non-ALF uses within the PUD is a maximum of 200,000 square feet
 31 of non-residential uses. This 200,000 square feet may be used for any
 32 combination of the following: up to 100,000 square feet of retail space, up
 33 to 100,000 square feet of office space and any remaining square footage
 34 for the Business Industrial uses that are specified in the Planned
 35 Development ("PD") zoning ordinance. In addition, the PUD may include

1 accessory uses customarily and clearly incidental to a residential
2 community, such as recreational facilities, and may include parks, open
3 space, conservation, open space buffers and mitigation areas. Any
4 accessory uses shall be for the exclusive use of the residents of the PUD
5 and their guests and shall be specified in the PD zoning ordinance.
6

7 c. The actual amount and types of residential units, ALF beds, and non-
8 residential development area will be specified in the PD zoning ordinance
9 as limited by the city, county and state development restrictions and
10 constraints, including but not limited to, wetlands and surface water
11 regulations, wellfield protection, floodplain requirements, concurrency and
12 airport hazard zoning regulations.
13

14 d. The allowable uses within the PUD shall be restricted as described below
15 and as more specifically provided in the PD zoning ordinance. For
16 purposes of this PUD, the 60-75 DNL Noise Contour is the area depicted
17 as the 60 DNL Noise Contour, the 65 DNL Noise Contour, the 70 DNL
18 Noise Contour and the 75 DNL Noise Contour on Attachment 3 to the
19 Appendix F – Airport Hazard Zoning Regulations, Chapter 30, Gainesville
20 Code of Ordinances adopted on December 3, 2009 by Ordinance 090384.
21 A copy of Attachment 3 is attached hereto as Exhibit “B,” which consists
22 of the map entitled “Airport Noise Zone Map – City of Gainesville”
23 prepared by the City of Gainesville Planning Department GIS Section
24 08/09. The source of the map is the Pt. 150 Study 2012 Noise Exposure
25 Map, as stated on the map.
26

27 1. Within the 60-75 DNL Noise Contour, subject to the Airport
28 Hazard Zoning Regulations:

29 (a) No residential development, including ALF beds, is
30 allowed.
31

32 (b) Non-residential (retail, office and accessory uses to
33 residential) development is allowed, as well as recreational
34 facilities as accessory uses that are customarily and clearly
35 incidental to a residential community or parks, open space,
36 conservation, open space buffers and mitigation areas;
37 except that on lands with the underlying land use
38 designation of Industrial, the non-residential development
39 shall be limited to certain Business Industrial (BI) zoning
40 uses that are specified in the PD zoning ordinance.
41

42 2. Outside of the 60-75 DNL Noise Contour, subject to the Airport
43

Hazard Zoning Regulations, to the extent same are applicable:

- (a) Residential development, including ALF beds, is allowed.
- (b) Non-residential (retail, office and accessory uses to residential) development is allowed, as well as recreational facilities as accessory uses that are customarily and clearly incidental to a residential community or parks, open space, conservation, open space buffers and mitigation areas.
- e. All non-residential areas in the PUD shall be connected to the residential areas in the PUD by an interior roadway system and/or a pedestrian/bicycle/golf cart system. All pedestrian sidewalk systems in the PUD shall comply with the Florida Accessibility Code for Building Construction requirements.
- ~~f. A PD (planned development) zoning ordinance consistent with the PUD must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted within the 18 month period, then the overlay PUD shall automatically be null and void and of no further force and effect and the overlay land use category shall ministerially be removed from the Future Land Use Map, leaving the original and underlying land use categories in place. The timely filing of an extension application by the owner/developer to extend the aforesaid 18 month period shall toll the expiration date until final City Commission action on the extension application.~~
- f. g. A current and complete wetlands survey for the entire property shall be submitted to the City of Gainesville and to the St. Johns River Water Management District at the time of application for PD zoning. Formal approval of wetland delineations for the entire property by the water management district is required prior to the public hearing on the PD zoning petition by the City Plan Board.
- g. h. All direct impacts to jurisdictional wetlands, wetland buffers, and regulated creeks shall be avoided to the extent practicable. All unavoidable, direct wetland and creek impacts shall be mitigated in accord with applicable City of Gainesville and water management district requirements. Any required on-site mitigation will be part of and will not supersede other wetland mitigation requirements of the comprehensive plan, land development code, and the water management district. There

1 shall be no net loss of wetland acreage and function within the PUD. In
 2 addition, if wetland impacts are proposed at the time of application for PD
 3 zoning or a subsequent application for development approval, the
 4 owner/developer shall submit a plan for improvement of surface water and
 5 wetland function within the Planned Use District and, subject to City
 6 review and approval, the plan of improvement shall be incorporated into
 7 the PD zoning ordinance or subsequent development approval.
 8

9 h.i. All pedestrian and/or bicycle pathways, trails, and sidewalks shall be
 10 located outside of wetland buffer areas and outside of creek buffer areas,
 11 except as may be established and shown for good cause by the
 12 owner/developer and then provided for in the PD zoning ordinance.
 13

14 i.j. Protection of the State-listed animal species Gopher tortoise (*Gopherus*
 15 *polyphemus*) listed as a Species of Special Concern in Rule 68A-27.005,
 16 Florida Administrative Code, located in the remnant sandhills east of the
 17 Ironwood Golf Course, and documented in the applicant's Hatchet Creek
 18 Planned Use District Report dated March 2007, is required and shall be
 19 established in the PD zoning ordinance. Protection of the documented
 20 population may be accomplished by establishing a designated protection
 21 area in the PD zoning ordinance that meets all applicable requirements of
 22 the City's land development code and all applicable requirements of the
 23 Florida Administrative Code.
 24

25 j.k. The owner/developer shall submit a report (in accordance with the
 26 requirements of the environmental regulations in the City's land
 27 development code) with the application for PD zoning. As part of this
 28 report, the highest-quality uplands shall be delineated and development
 29 within these high-quality areas shall be restricted.
 30

31 k.l. The application for PD district zoning shall include requirements for the
 32 use of native vegetation landscaping and for the removal of invasive trees
 33 and shrubs.
 34

35 l.m. A master stormwater management plan for the entire PUD shall be
 36 prepared by the owner/developer. The plan shall include provisions for
 37 protecting the water quality of Little Hatchet Creek, particularly with
 38 respect to stormwater runoff from any future development within the
 39 planned use district. A conceptual master stormwater management plan
 40 application shall be submitted at the time of application for PD zoning.
 41 The subsequent master stormwater management plan must be approved by
 42 the City Manager or designee prior to final development plan approval.
 43 The master stormwater management plan for the project shall be modified

- 1 for undeveloped phases in order to comply with the statewide water
 2 quality rule once it is adopted. The water quality leaving the site shall be
 3 addressed in the PD zoning ordinance.
 4
- 5 m.n. Buffer and setback requirements for the wetlands and creeks in the PUD
 6 shall be specified in the PD zoning ordinance and shall be in accordance
 7 with the environmental regulations in the City's land development code,
 8 based upon review of the required report that shall be submitted with the
 9 application for PD zoning.
 10
- 11 n.o. Buffer requirements pertaining to adjacent uses (including the municipal
 12 golf course) will be provided by the owner/developer in the application for
 13 PD zoning and, subject to City review and approval, shall be included in
 14 the PD zoning ordinance. These buffers shall be designed to minimize the
 15 impact on and adequately buffer the adjacent uses.
 16
- 17 o.p. The PUD shall not vest the development for concurrency. The
 18 owner/developer is required to apply for and meet concurrency
 19 management certification requirements, including all relevant policies in
 20 the Concurrency Management Element, at the time of application for PD
 21 zoning. Transportation modifications which are required due to traffic
 22 safety and/or operating conditions, and which are unrelated to
 23 transportation concurrency shall be provided by the owner/developer.
 24
- 25 p.q. Internal roadways shall be designed to provide for bicycle and pedestrian
 26 access and connectivity, and shall include traffic calming (low design
 27 speed) methods (e.g., speed tables, speed humps, "neck-downs",
 28 roundabouts) acceptable to the City of Gainesville in accordance with the
 29 traffic calming practices outlined by the Institute of Transportation
 30 Engineers.
 31
- 32 q.r. Sidewalks shall be provided on all internal streets. Sidewalk connections
 33 shall be made from the internal sidewalk system to the existing and
 34 planned public sidewalks along the development frontage. All sidewalks
 35 and sidewalk connections shall be a minimum of 5-feet in width, except as
 36 may be established and shown for good cause by the owner/developer and
 37 then provided for in the PD zoning ordinance.
 38
- 39 r.s. The PUD shall provide for transit access (either on site or on abutting
 40 roadways) and shall include construction of an appropriate number of
 41 transit shelters, as determined at the PD zoning stage and specified in the
 42 PD zoning ordinance.
 43

- 1 s.t. A limited number of drive-through facilities shall be allowed on the street
2 frontages of NE 53rd Avenue and NE 39th Avenue as determined at the PD
3 zoning stage and specified in the PD zoning ordinance. No direct access
4 from NE 39th Avenue or NE 53rd Avenue shall be allowed for these drive-
5 through facilities. All access to the drive-through facilities shall be from
6 the internal roadway system (the internal roadway system shall include
7 public and private roads and internal driveway systems) in the PUD.
8 Additional drive-through facilities that are entirely internal to the PUD
9 shall be determined in the PD zoning ordinance. The PD zoning ordinance
10 shall specify the design criteria for all drive-through facilities and shall
11 include a phasing schedule to ensure a mix of drive-through facilities,
12 residential uses, and other commercial/office uses in the planned use
13 district. The trip generation associated with drive-through facilities shall
14 limit the total number of drive-through facilities such that the total
15 maximum trip generation shown for the 100,000 square feet of shopping
16 center use as calculated by the traffic study dated 4/3/08 (prepared by
17 GMB Engineers & Planners, Inc.) as updated 11/19/09 by MPH
18 Transportation Planning, Inc. is not exceeded for the PUD.
19
- 20 t.t. A maximum of two access points, unless additional access points are
21 approved by the FDOT and the City of Gainesville, shall be allowed along
22 NE 39th Avenue, subject to the final approval of FDOT. Any proposed
23 reconfiguration of the existing road connection to the Ironwood Golf
24 Course is subject to FDOT and City approval at the PD zoning stage.
25 Boulevard-type driveways with the ingress/egress split by a landscaped
26 median and other entry-type features shall count as a single access point.
27 These access points shall be specified in the PD zoning ordinance.
28
- 29 u.v. A maximum of two access points shall be allowed along NE 53rd Avenue
30 unless additional access points are approved by Alachua County and the
31 City of Gainesville, in accordance with the Alachua County Access
32 Management regulations, and the locations shall be included in the PD
33 zoning application. All access points are subject to Alachua County and
34 City of Gainesville approval at the planned development zoning stage and
35 shall be specified in the PD zoning ordinance. To minimize traffic
36 impacts from the Hatchet Creek PUD on NE 53rd Avenue, the access
37 points on NE 53rd Avenue shall be interconnected with the internal public
38 or private road system in the Hatchet Creek development. The private
39 road system interconnections shall be interpreted to include internal
40 driveway systems.
41
- 42 v.w. A maximum of one access point shall be allowed along NE 15th Street.
43 Any proposed access point along NE 15th Street shall be included in the

1 planned development district zoning application. Any proposed access
 2 point is subject to City of Gainesville approval at the planned development
 3 zoning stage, and shall be specified in the PD zoning ordinance.
 4

5 w.x. Additional, limited emergency access will be allowed if the need for such
 6 is identified and the access is approved by local government agencies that
 7 provide the emergency service(s), and shall be specified in the PD zoning
 8 ordinance.
 9

10 x.y. Prior to the application for PD zoning related to the planned use district, a
 11 major traffic study shall be submitted that meets the specifications
 12 provided by FDOT, Alachua County, and the City of Gainesville, and the
 13 traffic methodology used in the study shall be agreed to in a letter between
 14 the City, and the owner/developer. Any traffic studies undertaken by the
 15 owner/developer prior to the signed methodology letter with the City of
 16 Gainesville may be unilaterally rejected by the City.
 17

18 y.z. Prior to the application for PD zoning related to the Hatchet Creek planned
 19 use district, a signal warrant analysis for the intersection of NE 53rd
 20 Avenue/NE 15th Street and for the project driveway at NE 39th Avenue
 21 shall be submitted as part of the major traffic study requirements. The
 22 specifications for the signal warrant analyses shall be part of the traffic
 23 methodology letter that will be signed with the City of Gainesville. The
 24 owner/developer shall be responsible for the costs of any new traffic
 25 signals that are warranted as a result of the development's site related
 26 impacts, and the costs shall not be counted toward any required
 27 contribution for transportation concurrency.
 28

29 z.aa. The owner/developer shall be responsible for the costs associated with
 30 tying a new traffic signal at the proposed entrance to the community on
 31 NE 39th Avenue into the Traffic Management System to ensure that the
 32 new signal communicates with the system, if and when such new traffic
 33 signal is installed.
 34

35 aa.bb. The following shall be executed and delivered to the City prior to approval
 36 of a development plan, prior to recording of a final plat, or prior to
 37 issuance of a building permit, whichever first occurs: (1) Avigation and
 38 clearance easements granting the City and owner/operator of the
 39 Gainesville-Alachua County Regional Airport Authority, and their
 40 respective successors and assigns, the right to continue to operate the
 41 airport despite potential nuisance effects upon residential and any other
 42 uses that are established by this PUD and/or by the required PD zoning
 43 ordinance; (2) Notice to Prospective Purchasers and Lessees of potential

1 aircraft overflights and noise impacts; and (3) Declaration of Restrictive
 2 Covenants to address the property's proximity to the Airport and the
 3 imposition of local, state and federal regulations. The easements, notice
 4 and declaration shall be in a form acceptable to the city attorney and
 5 airport authority and shall be executed and recorded by the property
 6 owner. In addition, a copy of the Notice shall be given to prospective
 7 purchasers or lessees at the time of contract or lease negotiations.
 8

9 ~~bb.ee.~~ All residential and non-residential development shall be constructed to
 10 achieve an outdoor to indoor noise level reduction (NLR) as specified in
 11 Appendix F - Airport Hazard Zoning Regulations, Chapter 30 of the
 12 Gainesville Code of Ordinances in effect at the time of application for a
 13 building permit.
 14

15 ~~cc.dd.~~ The owner/developer shall fund any potable water and/or wastewater
 16 capacity improvements that are based on the PUD demands so that the
 17 adopted levels of service in the Potable Water/Wastewater Element of the
 18 City's Comprehensive Plan are maintained. The owner/developer shall
 19 sign a binding letter of agreement with the City to ensure that the funding
 20 will be available to make the required improvements.
 21

22 ~~dd.ee.~~ At the time of application for PD zoning, the owner/developer shall
 23 provide design standards generally consistent with traditional design
 24 concepts (such as pedestrian scale, parking located to the side or rear of
 25 buildings, narrow streets, connected streets, terminated vistas, front
 26 porches, recessed garages, alleys, aligned building facades that face the
 27 street, and formal landscaping along streets and sidewalks) for all
 28 residential and non-residential uses in the PUD and, subject to City review
 29 and approval, those standards shall be specified in the PD zoning
 30 ordinance.
 31

32 ~~ee.ff.~~ This PUD does not permit or allow any development that would constitute
 33 a development of regional impact or any development that would require a
 34 development of regional impact review. Any PD zoning application or
 35 any application for proposed development that exceeds the development of
 36 regional impact thresholds shall be required to follow the procedures as
 37 defined in Chapter 380, F.S. and applicable regulations of the Florida
 38 Administrative Code.
 39

40 ~~ff.gg.~~ The PUD shall not be a gated community. Security features, if any, shall
 41 be addressed in the PD zoning application and specified in the PD zoning
 42 ordinance.
 43

1 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
2 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
3 portion thereof in order to comply with Section 1 of this ordinance.

4 **Section 3.** A PD (planned development) zoning ordinance consistent with the Hatchet
5 Creek PUD (Policy 4.3.5 of the Future Land Use Element in the City's 2000-2010
6 Comprehensive Plan) must be adopted by the City Commission on or before June 30, 2015. The
7 obligation to apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid
8 zoning ordinance is not adopted on or before June 30, 2015, then the overlay PUD shall
9 automatically be null and void and of no further force and effect and the overlay land use
10 category shall ministerially be removed from the Future Land Use Map, leaving the original and
11 underlying land use categories in place. Any request to extend the aforesaid date of June 30,
12 2015 shall be made on the appropriate forms and submitted by the owner/developer to the
13 Planning and Development Services Department on or before February 26, 2015. A timely filed
14 complete application shall toll the expiration date until final City Commission action on the
15 extension application.

16 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
17 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
18 finding shall not affect the other provisions or applications of the ordinance which can be given
19 effect without the invalid or unconstitutional provisions or application, and to this end the
20 provisions of this ordinance are declared severable.

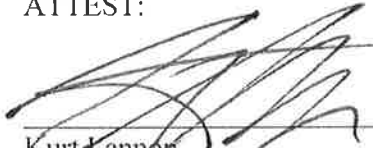
21 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
22 such conflict hereby repealed.

1 **Section 6.** This ordinance shall become effective immediately upon passage on second
 2 reading; however, the effective date of this plan amendment, if the amendment is not timely
 3 challenged, shall be 31 days after the state land planning agency notifies the City that the plan
 4 amendment package is complete in accordance with Chapter 163.3184, F.S. If timely challenged,
 5 this amendment shall become effective on the date the state land planning agency or the
 6 Administration Commission enters a final order determining this adopted amendment to be in
 7 compliance in accordance with Chapter 163.3184, F.S. No development orders, development
 8 permits, or land uses dependent on this amendment may be issued or commenced before this plan
 9 amendment has become effective.

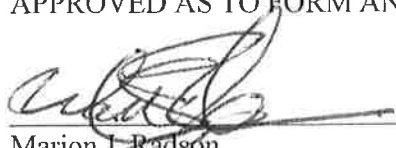
10 **PASSED AND ADOPTED** this 21st day of July, 2011.

11
 12
 13 
 14 _____
 15 Craig Lowe
 16 Mayor

17
 18 ATTEST:

19
 20
 21 
 22 _____
 23 Kurt Lannon
 24 Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

25
 26 
 27 _____
 28 Marion J. Radson
 29 City Attorney

JUL 21 2011

30
 This ordinance passed on first reading this 21st day of April, 2011.

This ordinance passed on second reading this 21st day of July, 2011.