

LEGISLATIVE #

110700B

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

6 WHEREAS, pursuant to law, after the Public Hearings at the transmittal stage held
7 on September 2, 2010, the City of Gainesville transmitted copies of this proposed change to the
8 State Land Planning Agency; and

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

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

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

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
19 **THE CITY OF GAINESVILLE, FLORIDA:**

20 **Section 1.** Policy 4.3.4 of Objective 4.3 of Goal 4 of the Future Land Use Element of the
21 City of Gainesville 2000-2010 Comprehensive Plan, as adopted by Ordinance No. 070447, is
22 amended as follows:

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1 The codifier is directed to change the name "LandMar" to "Plum Creek", including the label for the
2 Future Land Use Map Series A, wherever the name appears in Goal 4, map is attached hereto as
3 Attachment "A" and made a part hereof as if set forth in full.

4 **Section 2.** Section 2 of City of Gainesville Ordinance Ordinance No. 070447 is amended as
5 follows:

6 A PD (planned development) zoning ordinance consistent with the planned use district must
7 be adopted by the City Commission ~~within 18 months of the effective date of the land use~~
8 change on or before July 26, 2012. The obligation to timely apply for and obtain PD zoning
9 shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted ~~within the~~
10 18-month period on or before July 26, 2012, then the overlay planned use district shall
11 automatically be null and void of not further force and effect and the overlay land use
12 category of "Planned Use District" shall ministerially be removed from the Future Land Use
13 Map, and the underlying land use shall be the City of Gainesville land use category of
14 "Agriculture". The timely filing of an one additional extension application by the
15 owner/developer to ~~extend the aforesaid 18-month period~~ beyond the July 26, 2012 deadline
16 shall toll the expiration date until final City Commission action on the extension application.

17 **Section 3.** Policy 4.3.4 of Objective 4.3 of Goal 4 of the Future Land Use Element of the
18 City of Gainesville 2000-2010 Comprehensive Plan is amended, which shall govern and control the
19 use and development of the property described in Attachment A to Ordinance No. 070447 as
20 follows:

21

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

12 **Objective 4.3**

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

15 4.3.4 The property governed by this policy shall be known as the LandMar Plum Creek
 16 Development Company ("LandMar Plum Creek") for land use purposes. Due to the unique
 17 infrastructure and environmental constraints of "LandMar Plum Creek" as depicted on the map
 18 labeled "LandMar Plum Creek SR 121 Overall Site" in the Future Land Use Map Series A,
 19 LandMar Plum Creek shall be governed by the following policies:

20 A-a. Within all land use areas of LandMar Plum Creek:

- 21 1. Maximum residential development of the entire 1,778 acres shall not exceed
 22 1,890 residential units and 100,000 square feet of non-residential uses of which a
 23 maximum of 80,000 square feet shall be permitted as Commercial, and these
 24 densities and square footage may be less unless the developer establishes to the
 25 City at the time of rezoning by competent substantial evidence, that the
 26 development meets the criteria and standards of this Policy 4.3.4 and the Land
 27 Development Code.
- 28 2. Development shall be clustered to inhibit encroachment upon the environmentally
 29 significant features of LandMar Plum Creek; and
- 30 3. Wetlands shall not be impacted other than where necessary to achieve
 31 interconnectivity between upland properties; and
- 32 4. Wetlands shall be protected by wetland buffers that shall be a minimum of fifty
 33 (50) feet and an average of seventy-five (75) feet wide. The minimum and
 34 average buffer widths shall not apply to those portions of the wetlands that are
 35 impacted consistent with 4.3.4a.3 above; and

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- 1 5. Stormwater treatment facilities shall not be permitted within ~~required~~ the wetland
2 buffers established pursuant to Section 4.3.4.a.4. above, except that outfall
3 structures shall be allowed within these buffers; and
- 4 6. Areas within the Floodplain district, as defined in the City's Land Development
5 Code, areas shall be protected so that at least ninety (90%) percent of existing
6 floodplain areas shall not be altered by development, except that recreation and
7 stormwater management may occur within not more than twenty percent (20%) of
8 the floodplain areas district, and the existing floodplain storage volume will be
9 maintained; and
- 10 7. Stormwater best management practices and/or low impact development (LID)
11 practices shall be used to the maximum extent practicable to maintain or replicate
12 the pre-development hydrologic regime, as determined by the City, and consistent
13 with state requirements; and
- 14 8. Existing functioning ecological systems within LandMar Plum Creek shall be
15 retained to the maximum extent practicable while accommodating the uses and
16 intensity of uses authorized by the land use policies governing LandMar Plum
17 Creek, as determined by the City.
- 18 9. Maintain and enhance plant and animal species habitat and distribution by
19 protecting significant plant and animal habitats, provide for habitat corridors,
20 prevent habitat fragmentation by requiring a detailed survey of listed species,
21 identify habitat needs for maintaining species diversity and sustainability;
22 preserve wetlands and at least forty percent (40%) and up to fifty percent (50%)
23 of the upland area, inclusive of the wetland buffers established pursuant to 4.3.4
24 a.4. above. Listed species are those species of plants and animals listed as
25 endangered, threatened, rare, or species of special concern by the state and federal
26 plant and wildlife agencies, or species ranked as S1, S2, or S3 the Florida Natural
27 Areas Inventory (FNAI) ~~on November 1, 2007.~~
- 28 10. Wetlands, wetland buffers, floodplain and upland habitat areas that are to be
29 protected shall be identified as Conservation Management Areas and protected by
30 a perpetual conservation easement in favor of the City, or a tax exempt land trust
31 doing business within Alachua County, Florida, as determined by the City.
32 Activities within the Conservation Management Areas shall be as set forth in a
33 Conservation Management Plan approved by the City.
- 34 11. Planned Developments adopted by zoning ordinances within LandMar Plum
35 Creek shall impose standards that address minimum required setback from SR
36 121 and CR 231, retention of existing vegetation and supplemental vegetative
37 plantings, fencing and other forms of screening. Except where access to the
38 property is provided, a minimum 50- foot vegetative buffer shall be retained along
39 both sides of SR 121 and CR 231 within LandMar Plum Creek.

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1 12. A natural and/or planted buffer with a minimum average width of 100 feet that at
2 no location is less than 25 feet wide, shall be retained along the entire western
3 boundary property line beginning at SR 121 at the north and ending at US 441 at
4 the south, but shall not include the southwesterly property line abutting US 441.

5 13. A natural and/or planted buffer with a minimum average width of 200 feet that at
6 no location is less than 50 feet wide, shall be retained along the southern
7 boundary of ~~LandMar~~ Plum Creek, west of SR 121, between industrial and
8 residential uses.

9 B.b. Conservation Land Use Areas

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

15 C.c. Single-Family, Residential Low-Density and Planned Use District Land Use Area –

16 1. All areas designated Single-Family, Residential Low-Density and Planned
17 Use District land use shall be implemented by Planned Development (PD)
18 zoning. The required rezoning to PD of the areas designated Single-
19 Family and Residential Low-Density may occur in increments over time
20 upon request of the property owner and approval by the City; however,
21 rezoning of the Planned Use District (PUD) area to PD shall occur as
22 provided in Paragraph F below entitled “Planned Use District Land Use
23 Area”. Until such rezonings to PD are effective, the zoning district
24 designations shall remain Agriculture for all areas designated Single-
25 Family, Residential Low-Density and Planned Use District land use; and

26 2. All areas that are rezoned to PD shall be designed to be traffic-calmed and
27 pedestrian friendly; and

28 3. The PD rezonings for ~~LandMar~~ Plum Creek shall ensure that allowed uses
29 are integrated within the existing site landscape in a way that reasonably
30 assures the following:

31 a. Preservation of the ecological integrity of the ecosystems of ~~LandMar~~
32 Plum Creek by creating and maintaining connectivity between habitats,
33 minimizing natural area fragmentation, and protecting wetlands,

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1 associated uplands, and floodplains as indicated in Policy 4.3.4 Aa. above;
2 and

3 b. Preservation or enhancement of existing wetlands with approved treated
4 stormwater to wetlands, limiting impacts to such wetlands to crossings
5 necessary to achieve interconnectivity between upland properties, and
6 requiring that any such crossings be designed to minimize wetland
7 impacts.

8 4. The PD rezonings for ~~LandMar Plum Creek~~ shall require that appropriate “low
9 impact development” (LID) techniques for the site must be implemented. Prior to
10 second and final reading of each ordinance that rezones property within the PUD
11 to PD, the owner/developer shall provide legally enforceable documents to the
12 City that establish ~~The applicant shall provide proof at each rezoning to PD that a~~
13 responsible entity (e.g., community development district, developer and/or
14 homeowner’s association) will permanently provide for proper maintenance of the
15 LID functional landscape. LID is a site design strategy for maintaining or
16 replicating the pre-development hydrologic regime through the use of design
17 techniques that create a functionally equivalent hydrologic landscape. Hydrologic
18 functions of storage, infiltration, and ground water recharge, plus discharge
19 volume and frequency shall be maintained by integrated and distributed micro-
20 scale stormwater retention and detention areas, by the reduction of impervious
21 surfaces, and by the lengthening of flow paths and runoff time. Other LID
22 strategies include, but are not limited to, the preservation/protection of
23 environmentally sensitive site features such as wetlands, wetland buffers and
24 flood plains. Each rezoning to PD shall include conditions requiring appropriate
25 LID practices, subject to the approval of the City. Such practices shall include, but
26 are not limited to:

- 27 a. Development that adheres to the principles of “New Urbanism” or
28 “Traditional Neighborhood Development”.
- 29 b. Clustering of development.
- 30 c. Bioretention areas or ‘rain gardens.’
- 31 d. Grass swales
- 32 e. Permeable pavements
- 33 f. Redirecting rooftop runoff to functional landscape areas, rain barrels or
34 cisterns.
- 35 g. Narrowing street widths to the minimum width required to support traffic,
36 on-street parking where appropriate, and emergency vehicle access.

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- 1 h. Elimination of curb and gutter where appropriate.
- 2 i. Minimization of impervious surfaces through use of shared driveways and
- 3 parking lots.
- 4 j. Reduction in impervious driveways through reduced building setbacks.
- 5 k. Reduction in street paving by providing reduced street frontages for lots.
- 6 l. Permanent educational programs to ensure that future owners and
- 7 residents of the site have an opportunity to fully understand the purpose,
- 8 function, and maintenance of each LID component.
- 9 m. Limitations on the amount of turf allowed within the site and standards for
- 10 implementation of best management practices for such turf, including
- 11 minimum fertilizer applications.
- 12 n. Reuse of stormwater.
- 13 o. Use of “Florida Friendly” plant species and preferably native species for
- 14 landscaping.
- 15 p. Use of low-volume irrigation technologies and soil moisture sensors if
- 16 potable water supply is used for irrigation.
- 17 5. Implementation of appropriate “firewise” community planning practices shall be
- 18 identified during the rezoning process and required by the PD zoning ordinances.
- 19 6. A master storm water management plan for each geographic area proposed for
- 20 rezoning to PD must be prepared and submitted to the City for review and
- 21 approval before final development orders can be approved.

22 ~~D.d.~~ D.d. Single-Family Land Use Areas:

- 23 1. All areas designated Single-Family land use shall be rezoned to PD prior to
- 24 undertaking any development for single-family use within the rezoned area; and
- 25 2. All of the areas designated Single-Family land use within ~~LandMar~~ Plum Creek
- 26 (Future Land Use Map, Series A) shall be limited to a total maximum gross
- 27 residential density of 1 residential unit per 2.5 acres (0.4 residential units per acre)
- 28 up to a maximum of 218 residential units; and

29 ~~E.e.~~ E.e. Residential Low-Density Land Use Areas:

- 30 1. All areas designated Residential Low-Density land use shall be rezoned to
- 31 PD prior to undertaking any development for multi-family or single-
- 32 family use or any other housing type.

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- 1 2. Development of a range of housing types, including, but not limited to single-
2 family detached, single-family attached, townhomes and apartments is allowed.
3 The mix of housing types shall be specifically provided in the PD zoning
4 ordinances. Clustering of residential uses to allow for greater environmental
5 sensitivity is allowed.
- 6 3. Development shall provide for pedestrian and bicyclist safety and comfort.
- 7 4. All of the areas designated Residential Low-Density land use within
8 LandMar Plum Creek (Future Land Use Map, Series A) shall be limited to
9 a total maximum gross residential density of 2.75 residential units per
10 acre, up to a maximum of 1,004 residential units, or less, as transfers of
11 density may occur as provided in Paragraph E.f.3.e. below.

12 E.f. Planned Use District Land Use Area:

- 13 1. Development within the Planned Use District area shall maximize
14 pedestrian/bicycle connections among all uses (residential and non-residential)
15 and shall maximize pedestrian and bicyclist safety and comfort. A network of
16 sidewalks and street trees shall be provided on all internal streets. Sidewalk
17 connections shall be made from the internal sidewalk system to the public right of
18 way adjoining the Planned Use District. To minimize traffic impacts on SR 121,
19 the implementing PDs shall maximize internal roadway connectivity between
20 residential and areas with mixed uses.
- 21 2. The PDs associated with the Planned Use District shall provide for transit access
22 approved by the City's Regional Transit System (RTS), and the owner/developer
23 may shall be required to provide comfortable, multi-use transit stations if transit
24 service is made available to LandMar Plum Creek. The owner/developer shall be
25 required to fund transit service (capital and operations) for the development
26 consistent with the Transportation Concurrency Exception Area (TCEA) Zone E
27 standards established in the Concurrency Management Element. Transit service
28 shall be phased at the development to maximize successful transit routes
29 consistent with population and density standards set by RTS as Plum Creek
30 develops. The transit phasing plan for the required transit service shall be
31 provided in the associated PD ordinance and shall be subject to RTS approval.
32
- 33 3. The implementing PDs district zoning for the Planned Use District area shall be
34 subject to the following standards:
- 35 a. ~~A PD (planned development) zoning ordinance consistent with the planned~~
36 ~~use district must be adopted by the City Commission within 18 months of~~

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1 the effective date of the land use change. ~~The obligation to timely apply for~~
 2 and obtain PD zoning shall be on the owner/developer. ~~If the aforesaid~~
 3 zoning ordinance is not adopted within the 18-month period, then the
 4 overlay planned use district shall automatically be null and void and of no
 5 further force and effect and the overlay land use category shall ministerially
 6 be removed from the Future Land Use Map, and the underlying land use
 7 shall be "Agriculture". ~~The timely filing of an extension application by the~~
 8 owner/developer to extend the aforesaid 18-month period shall toll the
 9 expiration date until final City Commission action on the extension
 10 application.

11 b.a. The Planned Use District area shall allow mixed uses such as residential,
 12 office, business retail, professional and financial services, schools, places of
 13 religious assembly and community facilities. The area shall be implemented
 14 by PD zoning which shall generally adhere to the requirements of the City's
 15 Traditional Neighborhood Development District standards.

16 e.b. A minimum gross density of 4 residential units per acre (668 residential
 17 units) is required for the 166.89 acres of Planned Use District (PUD) land
 18 use. A transfer of density from the Residential Low-Density Land Use
 19 Areas or the Single-Family Residential Land Use Areas into the PUD area
 20 may be approved during PD rezonings. Any transfers of density from the
 21 Residential Low-Density Land Use Areas and the Single-Family Land Use
 22 Areas to PUD shall reduce the overall number of units for the Residential
 23 Low-Density Land Use Areas and Single-Family Residential Land Use
 24 Area, respectively, allowed by the number of residential units transferred.

25 d.c. Residential uses that are located above non-residential uses are allowed and
 26 encouraged. Residential types allowed include townhouses, apartments,
 27 plus attached and detached single-family homes.

28 e.d. A maximum of 100,000 square feet of non-residential use shall be allowed
 29 within the Planned Use District land use, of which a maximum of 80,000
 30 square feet shall be permitted as commercial use. Except as may be
 31 otherwise provided in the implementing PD zoning ordinance, each
 32 building within this zone shall be allowed to be mixed with residential
 33 located above non-residential uses. Each implementing PD shall provide
 34 detailed and specific design standards governing all aspects of development
 35 within the PD.

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

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

11 h.g. Open space shall be provided, where appropriate, as common open space
12 serving conservation, recreation and civic needs of the Planned Use District
13 Area, subject to approval of the City.

14 G.g. Miscellaneous Provisions

- 15 1. The developer has signed a binding agreement acknowledging
16 owner/developer responsibility for mitigation transportation impacts
17 associated with the maximum amount of development identified in the
18 future land use amendment. Prior to the second reading of the land-use
19 amendment first P.D. rezoning ordinance(s) for LandMar Plum Creek, the
20 ~~owner/developer shall sign a binding agreement acknowledging~~
21 ~~owner/developer responsibility for proportionate fair share mitigation for~~
22 ~~the transportation level of service (LOS) impacts associated with the~~
23 ~~maximum amount of development identified in the future land use map~~
24 ~~amendment.~~ TCEA Zone E Agreement or other agreement associated
25 with the transportation mitigation agreement program in effect at the time
26 of PD rezoning submittal for the first phase of the development as shown
27 in the PD ordinance. At a minimum, ~~P~~prior to adoption of the second
28 reading of the ordinance for any PD rezoning for any portion of LandMar
29 Plum Creek, the owner/developer shall make a payment to the City or sign
30 a binding agreement for construction of an acceptable project, which shall
31 include bonding requirements or other assurance acceptable to the City
32 Attorney for the required transportation mitigation program (consistent
33 with TCEA Zone E or other transportation mitigation program in effect at
34 the time of PD rezoning) associated with the trip generation for the first
35 phase as shown in the PD, that would cause degradation of any impacted
36 ~~transportation facility below and the adopted LOS, the City shall amend~~
37 ~~the 5-Year Schedule of Capital Improvements to show the developer~~

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1 funding for required transportation modifications to maintain the adopted
 2 LOS and the funding provided by the proportionate fair share agreement.
 3 If sufficient funds are not available for the required transportation
 4 modifications and improvements, the owner/developer shall be required to
 5 limit the development program of Land Mar to that which would not
 6 degrade the transportation LOS below the adopted LOS for impacted
 7 roads after taking into account all improvements funded in the 5-Year
 8 Schedule of Capital Improvements. Subsequent to the first TCEA
 9 Agreement or other mitigation agreement associated with the
 10 transportation mitigation agreement program in effect at the time of PD
 11 rezoning, additional TCEA Agreements (or other mitigation program
 12 agreements) shall be executed prior to the issuance of final site plan or
 13 subdivision final plat development orders for the relevant phases of the
 14 development.

- 15 2. ~~Land Mar shall be limited to the maximum levels of development specified~~
 16 ~~below for the initial phase until such time that adequate public facilities~~
 17 ~~and services at the City's adopted levels of services are demonstrated for~~
 18 ~~subsequent phases. Each phase of development is required to be~~
 19 ~~submitted and reviewed in its entirety, and each phase shall be analyzed~~
 20 ~~showing the cumulative impacts of previously approved phases.~~
 21 ~~The initial phase of development within the first five years shall consist of:~~
- 22 ~~581 residential units, which shall include a maximum of 481 single-family~~
 23 ~~detached units and a maximum of 100 multi-family units subject to City~~
 24 ~~approval of a traffic study provided by the owner/developer that shows~~
 25 ~~adequate transportation LOS. The initial phase may include up to 30,000~~
 26 ~~square feet of non-residential use in exchange for a portion of the allowed~~
 27 ~~residential units. The exchange rate shall be based upon applicable trip~~
 28 ~~generation rates so that the total trips attributable to the initial phase will~~
 29 ~~not exceed the total trips attributable to the allowed 581 residential units.~~
 30 ~~The PD approval process shall ensure a balanced mix of residential and~~
 31 ~~non-residential uses are developed in the first phase. Subsequent to build-~~
 32 ~~out of the first phase, a complete analysis shall be provided by the~~
 33 ~~owner/developer that demonstrates to the satisfaction of the City the~~
 34 ~~availability of adequate public facilities as adopted in the City's LOS~~
 35 ~~standards. Until such time that the developer can demonstrate or fund~~
 36 ~~adequate public facilities, the development is limited to the initial phase of~~
 37 ~~the development.~~

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1 2. At the time of filing an application for the first planned development
 2 re-zoning, the developer shall submit to the City recommended
 3 transportation mitigation modifications needed to address the full build-
 4 out of residential and non-residential uses authorized by Policy
 5 4.3.4.A.a.1, and identify funding of such modifications pursuant to the
 6 Agreement required for Policy 4.3.4.G.g.1. herein, subject to approval by
 7 the City. Such transportation modifications shall be consistent with the
 8 City's Concurrency Management Element may include, but are not limited
 9 to, any combination of the following:

- 10 ~~a. Creation of new roadway interconnectivity between SR 121 and US~~
 11 ~~441 to better distribute vehicular trips on the impacted SR 121~~
 12 ~~segment(s);~~
 13 ~~b. Widening of impacted segments of SR 121 to a maximum of four~~
 14 ~~lanes;~~
 15 ~~e. Funding of public transit.~~
 16

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

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

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- 1 4. Due to the ~~limited-capacity~~ roadway operation and safety concerns of SR 121, the
2 owner/developer shall provide a traffic study acceptable to the City, Alachua
3 County, and the Florida Department of Transportation prior to the application for
4 each PD rezoning. The study shall analyze issues related to transportation
5 concurrency, operational and safety concerns, and shall propose appropriate
6 mitigation, consistent with the Concurrency Management Element for the
7 transportation impacts of the development. Transportation modifications required
8 for operational/safety reasons shall be the full responsibility of the
9 owner/developer and shall not count toward meeting TCEA Zone E standards.
- 10 5. Land use changes for LandMar Plum Creek do not vest future development for
11 concurrency. The owner/developer is required to apply for and meet concurrency
12 management certification requirements, including transportation (consistent with
13 TCEA Zone E), public school facilities, and recreation mitigation at the time of
14 filing any PD rezoning application.
- 15 ~~6. At such time that cumulative development of the subject property reaches the~~
16 ~~threshold for a Development of Regional Impact (DRI), as provided by Chapter~~
17 ~~163, F.S., there shall be no more rezonings to PD and no more development plan~~
18 ~~approvals until the DRI development order has been approved by the City and~~
19 ~~taken effect.~~
- 20 ~~7. The LandMar Plum Creek development shall include in any Planned~~
21 ~~Development Report the requirement that five percent of the residential units shall~~
22 ~~be affordable to households earning between 80% and 120% of the median~~
23 ~~income for Alachua County for a family of four as established from time to time~~
24 ~~by the U.S. Department of Housing and Urban Development. Each implementing~~
25 ~~PD zoning ordinance shall provide all required methods for ensuring~~
26 ~~implementation of this requirement, including the requirement that the~~
27 ~~owner/developer enter into a binding agreement that specifies the number of~~
28 ~~affordable units that must be constructed on an approved time schedule.~~
- 29 ~~8-7. No rezonings to PD within the area of the map labeled "LandMar Plum Creek SR~~
30 ~~121 Overall Site" in the Future Land Use Map Series A shall be adopted on final~~
31 ~~reading of the ordinance for areas north of the line labeled "Phase Line" until all~~
32 ~~areas south of the same line have been rezoned to PD zoning, and at least 75~~
33 ~~percent of the infrastructure (e.g., roads, sidewalks, stormwater facilities, utilities)~~
34 ~~south of the "Phase Line" has been constructed and completed.~~
- 35 ~~9-8. In accordance with Policy 1.1.5 of the Public School Facilities Element and~~
36 ~~School Concurrency--Alachua County, FL, Updated Interlocal Agreement for~~

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1 Public School Facility Planning (December 23, 2008), the Alachua County School
 2 Board submitted a school facilities capacity report. The report concludes that
 3 projected student demand resulting from ~~LandMar~~ Plum Creek Development at
 4 the elementary, middle and high school levels can reasonably be accommodated
 5 for the five, ten and twenty year planning periods and is consistent with the Public
 6 School Facilities Element based upon School District projections and their
 7 District Plan. The report and finding does not constitute a school capacity
 8 availability determination or concurrency certification, it does not reserve school
 9 capacity for ~~LandMar~~ Plum Creek, and it does not vest ~~LandMar~~ for school
 10 concurrency. At the time of application for a development order for ~~LandMar~~
 11 Plum Creek, the developer shall apply for and obtain concurrency certification in
 12 compliance with the City Comprehensive Plan, Code of Ordinances and state
 13 law. Prior to approval of any development order, the City shall coordinate with
 14 the School Board and determine availability of school capacity within the
 15 applicable School Concurrency Service Area. A Capacity Enhancement
 16 Agreement or other mitigation option as provided for in Policies 1.1.7 and 2.5.1
 17 through 2.5.4 of the Public School Facilities Element may be required at that time
 18 to ensure continued compliance with all applicable provisions of the City
 19 Comprehensive Plan, Code of Ordinances and state law. In the absence of a
 20 Capacity Enhancement Agreement or other mitigation option being approved
 21 fulfilling the concurrency requirement, the City will not issue a concurrency
 22 certification if capacity is unavailable, and such circumstance can result in a delay
 23 or denial of a development order for ~~LandMar~~ Plum Creek.
 24

25 **Section 4.** Those portions of the overlay Planned Use District category as shown on
 26 the map described in Section 1 of Ordinance No. 070447 with the underlying land use category
 27 of "Agriculture", such category of "Agriculture" is neither abandoned nor repealed; such
 28 category is inapplicable as long as the property is developed and used in accordance with the
 29 development plan approved in the ordinance rezoning this property to Planned Development
 30 "PD". In the event, however, the property described in Section 1 of this Ordinance is not
 31 rezoned by ordinance to Planned Development "PD" on or before July 26, 2012, then the
 32 Planned Use District Category imposed by this Ordinance shall be deemed null and void and of
 33 no further force and effect, and the overlay land use category shall ministerially be removed from
 34 the Future Land Use Map, and the underlying land use shall be "Agriculture".

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

1 **Section 5.** The City Manager is authorized and directed to make the necessary
2 changes in the text, maps and other data in the City of Gainesville 2000-2010 Comprehensive
3 Plan, or element, or portion thereof in order to fully implement this ordinance.

4 **Section 6.** It is the intent of the City Commission that the provisions of Sections 1
5 thru 3 shall become and be made a part of the City of Gainesville 2000-2010 Comprehensive
6 Plan and that the sections and paragraphs of this ordinance may be renumbered in order to
7 accomplish such intentions.

8 **Section 7.** If any word, phrase, clause, paragraph, section or provision of this ordinance
9 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
10 finding shall not affect the other provisions or applications of the ordinance which can be given
11 effect without the invalid or unconstitutional provisions or application, and to this end the
12 provisions of this ordinance are declared severable.

13 **Section 8.** Except as expressly modified, amended or changed by this Ordinance,
14 Ordinance No. 070447 shall govern and remain in full force and effect.

15 **Section 9.** This ordinance shall become effective immediately upon passage on second
16 reading; however, the effective date of this plan amendment shall be the date a final order is issued
17 by the Department of Community Affairs finding the amendment to be in compliance in accordance
18 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission

19

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

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

2 **PASSED AND ADOPTED** this 21st day of October, 2010.

3

4

5


CRAIG LOWE, MAYOR

6 ATTEST:


APPROVED AS TO FORM AND LEGALITY:

7

8

9


KURT M. LANNON
CLERK OF THE COMMISSION


MARION J. RADSON
CITY ATTORNEY
OCT 21 2010

10

11

12

13 This Ordinance passed on first reading on the 2nd day of September, 2010.

14 This Ordinance passed on second reading this 21st day of October, 2010.

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

