

090536

City of
Gainesville

Inter-Office Communication

Planning Division
X5022, FAX x2282, Station 11

To: City Plan Board **Item No. 7**
Date: September 24, 2009

From: Planning Division Staff

Subject: Petition PB-09-125 TCH. City of Gainesville. Amend the Land Development Code to implement regulations to protect and preserve significant environmental and natural resources.

Recommendation

Staff recommends approval of Petition PB-09-125 TCH.

Explanation

The manner in which the City addresses the protection of significant ecological communities, particularly with respect to Alachua County-designated Strategic Ecosystems that have been annexed by the City, was referred to the Community Development Committee in October 2007. A staff team subsequently worked for approximately one year to determine how Gainesville's land development code protects significant ecological communities and how such protection relates to the City Commission's expressed desire to ensure protection of designated Strategic Ecosystems once they are annexed.

The adoption in 2004 of Section 30-309 of Gainesville's Code of Ordinances created the Significant Ecological Communities Overlay District. Parcels rezoned into this District are subject to additional environmental review and setbacks. To date, however, very few parcels have been rezoned into the Overlay District, and the ordinance has come under legal challenge. It has become apparent that the Significant Ecological Communities Overlay District is not meeting the City Commission's goal of protecting significant environmental communities.

The aforementioned staff team has recommended that the City focus on the preservation of significant ecological communities and features through the normal development review process rather than through the Significant Ecological Communities Overlay District (which requires rezoning). The staff team used Alachua County's land development regulations as the model for a proposed environmental ordinance (Exhibit 1).

090536

The proposed environmental ordinance has provisions to protect not only strategic ecosystems but also other natural resources listed in Objective 2.4 of the Conservation, Groundwater Recharge and Open Space element of the Comprehensive Plan. The ordinance also includes provisions to protect archaeological resources in development areas in accordance with Goal 1 of the Historic Preservation Element of the Comprehensive Plan.

Certain applications for development plan approval, for land use changes to Planned Use District (PUD), or for zoning changes to Planned development (PD) district would be required to include a natural and environmental resources assessment. Applications required to include such assessment are for properties that: 1. are within or partly within the boundaries of strategic ecosystems that have been annexed into the City after a certain date; 2. are within or partly within the boundaries of significant uplands (as shown in the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series of the Comprehensive Plan); or 3. are outside of the areas described in 1. and 2. but are determined by the city manager or designee to have a potential adverse impact on regulated natural or archaeological resources. The city manager or designee will evaluate the assessment and identify appropriate site designs and strategies for protection of the natural and archaeological resources.

A property under common ownership located within a strategic ecosystem, significant upland, and/or significant habitat will not be reviewed in a piecemeal fashion that results in lesser protection of natural resources than if the property were reviewed as a whole. A master plan for protection of regulated natural or archaeological resources on the entire property may be required when development is proposed for part of the property. This resource master plan is subject to approval by the appropriate reviewing board.

The regulated natural and archaeological resources are proposed to be protected as follows:

Significant Plant and Wildlife Habitat: Development proposed for all parcels of two or more acres in size shall be evaluated for the protection of significant habitat prior to clearing, grading, or other alteration. A maximum of 25 percent of the upland portion of a parcel not in other required natural resource buffers may be required to be protected due to significant plant or wildlife habitat.

Significant Uplands: Development proposed for significant uplands shall be evaluated prior to clearing, grading, or other alteration. A minimum of 25 percent of contiguous significant uplands on a parcel shall be required to be protected.

Listed Plant and Animal Species: All proposed development shall be evaluated for the presence of listed plant and animal species prior to clearing, grading, or other alteration of the proposal area. If the required habitat survey finds listed species or listed species habitat, a management plan that ensures protection shall be submitted to the City. A maximum of 25 percent of the upland portion of a parcel not in other required natural

resource buffers may be required to be protected due to the fact that it includes listed species habitat.

Strategic Ecosystems: Development proposals, land use changes, or zoning changes for parcels that are within or partly within the boundaries of a strategic ecosystem that has been annexed into the City, are subject to various requirements that closely match those of Alachua County's strategic ecosystem ordinance. Among the requirements is that a maximum of 50 percent of the upland portion of a parcel that is not in other required natural resource buffers can be required to be preserved (more can be preserved if consented to by the landowner or if state or federal agencies require additional protection).

High Aquifer Recharge Areas: The environmental ordinance establishes stormwater protections and hazardous materials provisions for development activities in high aquifer recharge areas. The ordinance also establishes protection provisions for significant archaeological resources.

Archaeological Resources: Applications for developments proposed in an area where archaeological resources are known or suspected will be required to perform surveys for archaeological resources before alteration of the property. Impacts to significant archaeological resources will be avoided, minimized, or mitigated.

Significant Geological Features: The environmental ordinance establishes protections for significant geological resources (e.g., sinkholes, caves, spring heads, limestone outcrops, lineaments, ridges, escarpments, spring runs, steep slopes, and springsheds). Protection strategies may include but are not limited to designated conservation management areas, or/and incorporation of a geologic feature as an aesthetic element. Minimum default buffer widths are established for sinkholes (average of 50 feet), caves, lineaments, ridges and escarpments (average of 75 feet), and for springs and significant geologic features within springsheds. Sinkhole management strategies are required. Protection provisions are also established for karst sensitive areas (where rock surfaces are within 10 feet of the land surface), lakes and ponds that are connected to the aquifer or to nearby springs, subsurface channels, and closed depressions.

Nature Park District: The ordinance amends the existing section 30-307 by adopting the nature park district that is delineated on maps maintained by the City's Nature Operations Division and by adding development plan requirements for this district.

The environmental ordinance establishes standards for protection of conservation management areas, which are areas that are set aside for conservation of regulated natural and archaeological resources.

Management plans are required for development applications for annexed properties within a strategic ecosystem, and for development applications for properties located outside of strategic ecosystems that meet two of these three criteria: 1. contain significant habitat at least 5 acres in size; 2. contain at least one listed, uncommon or endemic

species; 3. can provide a wildlife corridor adjacent to a nature park, preserve, or conservation area.

The environmental ordinance also includes provisions pertaining to avoidance of adverse impacts, minimization of such impacts, and mitigation and monitoring measures.

The Community Development Committee on February 26, 2009 voted to refer the staff recommendation to the City Commission. The City Commission reviewed the matter on April 16, 2009 and approved staff's recommendation that a petition proceed to the City Plan Board.

The staff-recommended additions to the Land Development Code are in Exhibit 1 – Environmental Ordinance. Exhibit 2 compares Alachua County regulations, City of Gainesville regulations, and provisions of the proposed environmental ordinance.

Respectfully submitted,



Ralph Hilliard,
Planning Manager

RH: DM

\\Planning_Petitions\PB-09-125 Envtl Ordinance\Reports\Envtl Ord PB 09-125 TCH.doc

Exhibits:

1. Environmental Ordinance
2. Table 1. Current City and County environmental regulations with recommended revisions to the City of Gainesville Land Development Code.