

ORDINANCE NO. 070210
0-07-97

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element and Future Land Use Map; by overlaying the “Planned Use District” category over certain property with the underlying land use categories of “Single-Family (up to 8 units per acre),” “Industrial,” and “Recreation,” as more specifically described in this ordinance, consisting of approximately 498 acres, generally located in the vicinity of Waldo Road on the East, NE 39th Avenue on the South, NE 15th Street on the West, and NE 53rd Avenue on the North; by creating and adopting Policy 4.3.5 in the Future Land Use Element of the Comprehensive Plan; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing that the Future Land Use Map be amended by overlaying the land use category of “Planned Use District” over certain property with the underlying land use categories of “Single-Family (up to 8 units per acre),” “Industrial,” and “Recreation”; and

WHEREAS, notice was given and publication made as required by law and public hearings were held by the City Plan Board on September 20, 2007, September 27, 2007 and October 4, 2007; and

WHEREAS, notice was given and publication made as required by law and public hearings on the Petition were held by the City Commission on October 22, 2007, October 23, 2007, October 29, 2007, and April 16, 2008; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,

1 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was
2 published; and

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

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

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

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

13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
14 **CITY OF GAINESVILLE, FLORIDA:**

15 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
16 Plan is amended by overlaying the “Planned Use District” future land use category on the following
17 described property with the underlying land use categories of “Single-Family (up to 8 units per
18 acre),” “Industrial,” and “Recreation,” all as more specifically described and shown as follows:

19 See map, labeled as “Hatchet Creek Planned Use District” dated
20 May 29, 2008, attached hereto as Exhibit "A", and made a part
21 hereof as if set forth in full.

22
23 The map attached as Exhibit “A” is adopted and added to the Future Land Use Map
24 Series A of the City of Gainesville Comprehensive Plan.

1 **Section 2.** Goal 4, Objective 4.3 of the Future Land Use Element of the City of Gainesville
2 2000-2010 Comprehensive Plan is amended by creating and adding Policy 4.3.5, which shall
3 govern and control the use and development of the property described in Exhibit “A.” Except as
4 amended herein, Goal 4, its Objectives and its Policies, all remain in full force and effect:

5 Goal 4

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

12
13 Objective 4.3

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

16
17 Policy 4.3.5 Due to the unique infrastructure and environmental constraints of the Hatchet Creek
18 Planned Use District (the “PUD”), as depicted on the map labeled Hatchet Creek
19 PUD Area in the Future Land Use Map Series A, the PUD shall be governed by the
20 following conditions:

- 21
22 a. The residential density and allowable residential uses within the Planned
23 Use District is a maximum of 1,200 residential units and 300 Assisted
24 Living Facility (ALF) beds.
- 25
26 b. The non-residential and non-ALF intensity and allowable non-residential
27 and non-ALF uses within the PUD is a maximum of 200,000 square feet
28 of non-residential uses. This 200,000 square feet may be used for any
29 combination of the following: up to 100,000 square feet of retail space, up
30 to 100,000 square feet of office space and any remaining square footage
31 for the Business Industrial uses that are specified in the Planned
32 Development (“PD”) zoning ordinance. In addition, the PUD may include
33 accessory uses customarily and clearly incidental to a residential
34 community, such as recreational facilities, and may include parks, open
35 space, conservation, open space buffers and mitigation areas. Any
36 accessory uses shall be for the exclusive use of the residents of the PUD
37 and their guests and shall be specified in the PD zoning ordinance.

1 c. The actual amount and types of residential units, ALF beds, and non-
2 residential development area will be specified in the PD zoning ordinance
3 as limited by the city, county and state development restrictions and
4 constraints, including but not limited to, wetlands and surface water
5 regulations, wellfield protection, floodplain requirements, concurrency and
6 airport hazard zoning regulations.

7
8 d. The allowable uses within the PUD shall be restricted as described below
9 and as more specifically provided in the PD zoning ordinance. For
10 purposes of this PUD, the 60-75 DNL Noise Contour is the area depicted
11 as the 60 DNL Noise Contour, the 65 DNL Noise Contour, the 70 DNL
12 Noise Contour and the 75 DNL Noise Contour on Attachment 3 to the
13 Appendix F – Airport Hazard Zoning Regulations, Chapter 30, Gainesville
14 Code of Ordinances adopted on December 3, 2009 by Ordinance 090384.
15 A copy of Attachment 3 is attached hereto as Exhibit “B,” which consists
16 of the map entitled “Airport Noise Zone Map – City of Gainesville”
17 prepared by the City of Gainesville Planning Department GIS Section
18 08/09. The source of the map is the Pt. 150 Study 2012 Noise Exposure
19 Map, as stated on the map.

20
21 1. Within the 60-75 DNL Noise Contour, subject to the Airport
22 Hazard Zoning Regulations:

23
24 (a) No residential development, including ALF beds, is
25 allowed.

26
27 (b) Non-residential (retail, office and accessory uses to
28 residential) development is allowed, as well as recreational
29 facilities as accessory uses that are customarily and clearly
30 incidental to a residential community or parks, open space,
31 conservation, open space buffers and mitigation areas;
32 except that on lands with the underlying land use
33 designation of Industrial, the non-residential development
34 shall be limited to certain Business Industrial (BI) zoning
35 uses that are specified in the PD zoning ordinance.

36
37
38 2. Outside of the 60-75 DNL Noise Contour, subject to the Airport
39 Hazard Zoning Regulations, to the extent same are applicable:

40
41 (a) Residential development, including ALF beds, is allowed.

42
43 (b) Non-residential (retail, office and accessory uses to
44 residential) development is allowed, as well as recreational

1 facilities as accessory uses that are customarily and clearly
2 incidental to a residential community or parks, open space,
3 conservation, open space buffers and mitigation areas.

4
5 e. All non-residential areas in the PUD shall be connected to the residential
6 areas in the PUD by an interior roadway system and/or a
7 pedestrian/bicycle/golf cart system. All pedestrian sidewalk systems in the
8 PUD shall comply with the Florida Accessibility Code for Building
9 Construction requirements.

10
11 f. A PD (planned development) zoning ordinance consistent with the PUD
12 must be adopted by the City Commission within 18 months of the
13 effective date of the land use change. The obligation to apply for and
14 obtain PD zoning shall be on the owner/developer. If the aforesaid zoning
15 ordinance is not adopted within the 18-month period, then the overlay
16 PUD shall automatically be null and void and of no further force and effect
17 and the overlay land use category shall ministerially be removed from the
18 Future Land Use Map, leaving the original and underlying land use
19 categories in place. The timely filing of an extension application by the
20 owner/developer to extend the aforesaid 18-month period shall toll the
21 expiration date until final City Commission action on the extension
22 application.

23
24 g. A current and complete wetlands survey for the entire property shall be
25 submitted to the City of Gainesville and to the St. Johns River Water
26 Management District at the time of application for PD zoning. Formal
27 approval of wetland delineations for the entire property by the water
28 management district is required prior to the public hearing on the PD
29 zoning petition by the City Plan Board.

30
31 h. All direct impacts to jurisdictional wetlands, wetland buffers, and
32 regulated creeks shall be avoided to the extent practicable. All
33 unavoidable, direct wetland and creek impacts shall be mitigated in accord
34 with applicable City of Gainesville and water management district
35 requirements. Any required on-site mitigation will be part of and will not
36 supersede other wetland mitigation requirements of the comprehensive
37 plan, land development code, and the water management district. There
38 shall be no net loss of wetland acreage and function within the PUD. In
39 addition, if wetland impacts are proposed at the time of application for PD
40 zoning or a subsequent application for development approval, the
41 owner/developer shall submit a plan for improvement of surface water and
42 wetland function within the Planned Use District and, subject to City
43 review and approval, the plan of improvement shall be incorporated into
44 the PD zoning ordinance or subsequent development approval.

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

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

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

 - l. The application for PD district zoning shall include requirements for the use of native vegetation landscaping and for the removal of invasive trees and shrubs.

 - m. A master stormwater management plan for the entire PUD shall be prepared by the owner/developer. The plan shall include provisions for protecting the water quality of Little Hatchet Creek, particularly with respect to stormwater runoff from any future development within the planned use district. A conceptual master stormwater management plan application shall be submitted at the time of application for PD zoning. The subsequent master stormwater management plan must be approved by the City Manager or designee prior to final development plan approval. The master stormwater management plan for the project shall be modified for undeveloped phases in order to comply with the statewide water quality rule once it is adopted. The water quality leaving the site shall be addressed in the PD zoning ordinance.

 - n. Buffer and setback requirements for the wetlands and creeks in the PUD shall be specified in the PD zoning ordinance and shall be in accordance with the environmental regulations in the City's land development code, based upon review of the required report that shall be submitted with the

1 application for PD zoning.

- 2
- 3 o. Buffer requirements pertaining to adjacent uses (including the municipal
4 golf course) will be provided by the owner/developer in the application for
5 PD zoning and, subject to City review and approval, shall be included in
6 the PD zoning ordinance. These buffers shall be designed to minimize the
7 impact on and adequately buffer the adjacent uses.
- 8
- 9 p. The PUD shall not vest the development for concurrency. The
10 owner/developer is required to apply for and meet concurrency
11 management certification requirements, including all relevant policies in
12 the Concurrency Management Element, at the time of application for PD
13 zoning. Transportation modifications which are required due to traffic
14 safety and/or operating conditions, and which are unrelated to
15 transportation concurrency shall be provided by the owner/developer.
- 16
- 17 q. Internal roadways shall be designed to provide for bicycle and pedestrian
18 access and connectivity, and shall include traffic calming (low design
19 speed) methods (e.g., speed tables, speed humps, “neck-downs”,
20 roundabouts) acceptable to the City of Gainesville in accordance with the
21 traffic calming practices outlined by the Institute of Transportation
22 Engineers.
- 23
- 24 r. Sidewalks shall be provided on all internal streets. Sidewalk connections
25 shall be made from the internal sidewalk system to the existing and
26 planned public sidewalks along the development frontage. All sidewalks
27 and sidewalk connections shall be a minimum of 5-feet in width, except as
28 may be established and shown for good cause by the owner/developer and
29 then provided for in the PD zoning ordinance.
- 30
- 31 s. The PUD shall provide for transit access (either on site or on abutting
32 roadways) and shall include construction of an appropriate number of
33 transit shelters, as determined at the PD zoning stage and specified in the
34 PD zoning ordinance.
- 35
- 36 t. A limited number of drive-through facilities shall be allowed on the street
37 frontages of NE 53rd Avenue and NE 39th Avenue as determined at the PD
38 zoning stage and specified in the PD zoning ordinance. No direct access
39 from NE 39th Avenue or NE 53rd Avenue shall be allowed for these drive-
40 through facilities. All access to the drive-through facilities shall be from
41 the internal roadway system (the internal roadway system shall include
42 public and private roads and internal driveway systems) in the PUD.
43 Additional drive-through facilities that are entirely internal to the PUD
44 shall be determined in the PD zoning ordinance. The PD zoning ordinance

1 shall specify the design criteria for all drive-through facilities and shall
2 include a phasing schedule to ensure a mix of drive-through facilities,
3 residential uses, and other commercial/office uses in the planned use
4 district. The trip generation associated with drive-through facilities shall
5 limit the total number of drive-through facilities such that the total
6 maximum trip generation shown for the 100,000 square feet of shopping
7 center use as calculated by the traffic study dated 4/3/08 (prepared by
8 GMB Engineers & Planners, Inc.) as updated 11/19/09 by MPH
9 Transportation Planning, Inc. is not exceeded for the PUD.

10
11 u. A maximum of two access points, unless additional access points are
12 approved by the FDOT and the City of Gainesville, shall be allowed along
13 NE 39th Avenue, subject to the final approval of FDOT. Any proposed
14 reconfiguration of the existing road connection to the Ironwood Golf
15 Course is subject to FDOT and City approval at the PD zoning stage.
16 Boulevard-type driveways with the ingress/egress split by a landscaped
17 median and other entry-type features shall count as a single access point.
18 These access points shall be specified in the PD zoning ordinance.

19
20 v. A maximum of two access points shall be allowed along NE 53rd Avenue
21 unless additional access points are approved by Alachua County and the
22 City of Gainesville, in accordance with the Alachua County Access
23 Management regulations, and the locations shall be included in the PD
24 zoning application. All access points are subject to Alachua County and
25 City of Gainesville approval at the planned development zoning stage and
26 shall be specified in the PD zoning ordinance. To minimize traffic
27 impacts from the Hatchet Creek PUD on NE 53rd Avenue, the access
28 points on NE 53rd Avenue shall be interconnected with the internal public
29 or private road system in the Hatchet Creek development. The private
30 road system interconnections shall be interpreted to include internal
31 driveway systems.

32
33 w. A maximum of one access point shall be allowed along NE 15th Street.
34 Any proposed access point along NE 15th Street shall be included in the
35 planned development district zoning application. Any proposed access
36 point is subject to City of Gainesville approval at the planned development
37 zoning stage, and shall be specified in the PD zoning ordinance.

38
39 x. Additional, limited emergency access will be allowed if the need for such
40 is identified and the access is approved by local government agencies that
41 provide the emergency service(s), and shall be specified in the PD zoning
42 ordinance.

- 1 y. Prior to the application for PD zoning related to the planned use district, a
2 major traffic study shall be submitted that meets the specifications
3 provided by FDOT, Alachua County, and the City of Gainesville, and the
4 traffic methodology used in the study shall be agreed to in a letter between
5 the City, and the owner/developer. Any traffic studies undertaken by the
6 owner/developer prior to the signed methodology letter with the City of
7 Gainesville may be unilaterally rejected by the City.
- 8
- 9 z. Prior to the application for PD zoning related to the Hatchet Creek planned
10 use district, a signal warrant analysis for the intersection of NE 53rd
11 Avenue/NE 15th Street and for the project driveway at NE 39th Avenue
12 shall be submitted as part of the major traffic study requirements. The
13 specifications for the signal warrant analyses shall be part of the traffic
14 methodology letter that will be signed with the City of Gainesville. The
15 owner/developer shall be responsible for the costs of any new traffic
16 signals that are warranted as a result of the development's site related
17 impacts, and the costs shall not be counted toward any required
18 contribution for transportation concurrency.
- 19
- 20 aa. The owner/developer shall be responsible for the costs associated with
21 tying a new traffic signal at the proposed entrance to the community on
22 NE 39th Avenue into the Traffic Management System to ensure that the
23 new signal communicates with the system, if and when such new traffic
24 signal is installed.
- 25
- 26 bb. The following shall be executed and delivered to the City prior to approval
27 of a development plan, prior to recording of a final plat, or prior to
28 issuance of a building permit, whichever first occurs: (1) Avigation and
29 clearance easements granting the City and owner/operator of the
30 Gainesville-Alachua County Regional Airport Authority, and their
31 respective successors and assigns, the right to continue to operate the
32 airport despite potential nuisance effects upon residential and any other
33 uses that are established by this PUD and/or by the required PD zoning
34 ordinance; (2) Notice to Prospective Purchasers and Lessees of potential
35 aircraft overflights and noise impacts; and (3) Declaration of Restrictive
36 Covenants to address the property's proximity to the Airport and the
37 imposition of local, state and federal regulations. The easements, notice
38 and declaration shall be in a form acceptable to the city attorney and
39 airport authority and shall be executed and recorded by the property
40 owner. In addition, a copy of the Notice shall be given to prospective
41 purchasers or lessees at the time of contract or lease negotiations.
- 42
- 43 cc. All residential and non-residential development shall be constructed to
44 achieve an outdoor to indoor noise level reduction (NLR) as specified in

1 Appendix F - Airport Hazard Zoning Regulations, Chapter 30 of the
2 Gainesville Code of Ordinances in effect at the time of application for a
3 building permit.

4
5 dd. The owner/developer shall fund any potable water and/or wastewater
6 capacity improvements that are based on the PUD demands so that the
7 adopted levels of service in the Potable Water/Wastewater Element of the
8 City's Comprehensive Plan are maintained. The owner/developer shall
9 sign a binding letter of agreement with the City to ensure that the funding
10 will be available to make the required improvements.

11
12 ee. At the time of application for PD zoning, the owner/developer shall
13 provide design standards generally consistent with traditional design
14 concepts (such as pedestrian scale, parking located to the side or rear of
15 buildings, narrow streets, connected streets, terminated vistas, front
16 porches, recessed garages, alleys, aligned building facades that face the
17 street, and formal landscaping along streets and sidewalks) for all
18 residential and non-residential uses in the PUD and, subject to City review
19 and approval, those standards shall be specified in the PD zoning
20 ordinance.

21
22 ff. This PUD does not permit or allow any development that would constitute
23 a development of regional impact or any development that would require a
24 development of regional impact review. Any PD zoning application or
25 any application for proposed development that exceeds the development of
26 regional impact thresholds shall be required to follow the procedures as
27 defined in Chapter 380, F.S. and applicable regulations of the Florida
28 Administrative Code.

29
30 gg. The PUD shall not be a gated community. Security features, if any, shall
31 be addressed in the PD zoning application and specified in the PD zoning
32 ordinance.

33
34 **Section 3.** The underlying land use categories of "Single-Family (up to 8 units per acre),"
35 "Industrial," and "Recreation" on the property described in Section 1 of this ordinance are neither
36 abandoned nor repealed; such categories are inapplicable as long as the property is rezoned to
37 Planned Development "PD," as provided in section 2 above. In the event, however, the property
38 described in Section 1 of this Ordinance is not rezoned by ordinance to Planned Development
39 "PD," as provided in Section 2 of this Ordinance, then the overlay Planned Use District Category

1 imposed by this Ordinance shall automatically be null and void and of no further force and effect
2 and the overlay land use category shall be ministerially be removed from the Future Land Use Map,
3 leaving the original and underlying land use categories in place. The timely filing of an extension
4 application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration
5 date until final City Commission action on the extension application.

6 **Section 4.** The City Manager is authorized and directed to make the necessary changes in
7 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
8 portion thereof in order to comply with this ordinance.

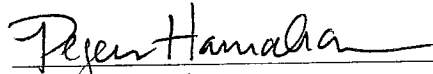
9 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
10 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
11 finding shall not affect the other provisions or applications of the ordinance which can be given
12 effect without the invalid or unconstitutional provisions or application, and to this end the
13 provisions of this ordinance are declared severable.

14 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
15 such conflict hereby repealed.

16 **Section 7.** This ordinance shall become effective immediately upon passage on second
17 reading; however, the effective date of this plan amendment shall be the date a final order is issued
18 by the Department of Community Affairs finding the amendment to be in compliance in accordance
19 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission
20 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

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PASSED AND ADOPTED this 17th day of December, 2009.



Pegeen Hanrahan,
Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Kurt Lannon,
Clerk of the Commission



Marion J. Radson, City Attorney

DEC 21 2009













This ordinance passed on first reading this 16th day of June, 2008.

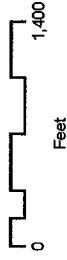
This ordinance passed on second reading this 17th day of December, 2009.

EXHIBIT "A" TO ORDINANCE
 (Legistar No. 070210)
 (page 1 of 1)

City of Gainesville

Hatchet Creek Planned Use District
 (Petition 23LUC-07PB)

-  Hatchet Creek PUD
-  Single Family
-  Residential Low Density
-  Residential Medium Density
-  Mixed Use Low
-  Commercial
-  Industrial
-  Education
-  Recreation
-  Public Facilities
-  Conservation
-  City Limits



Prepared by the Dept. of Planning
 and Development Services
 GIS Section May 29, 2008
 File: 23LUC-07PB_Law_Dept_052908

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, area or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For specific information, you are directed to contact the City of Gainesville, Florida.

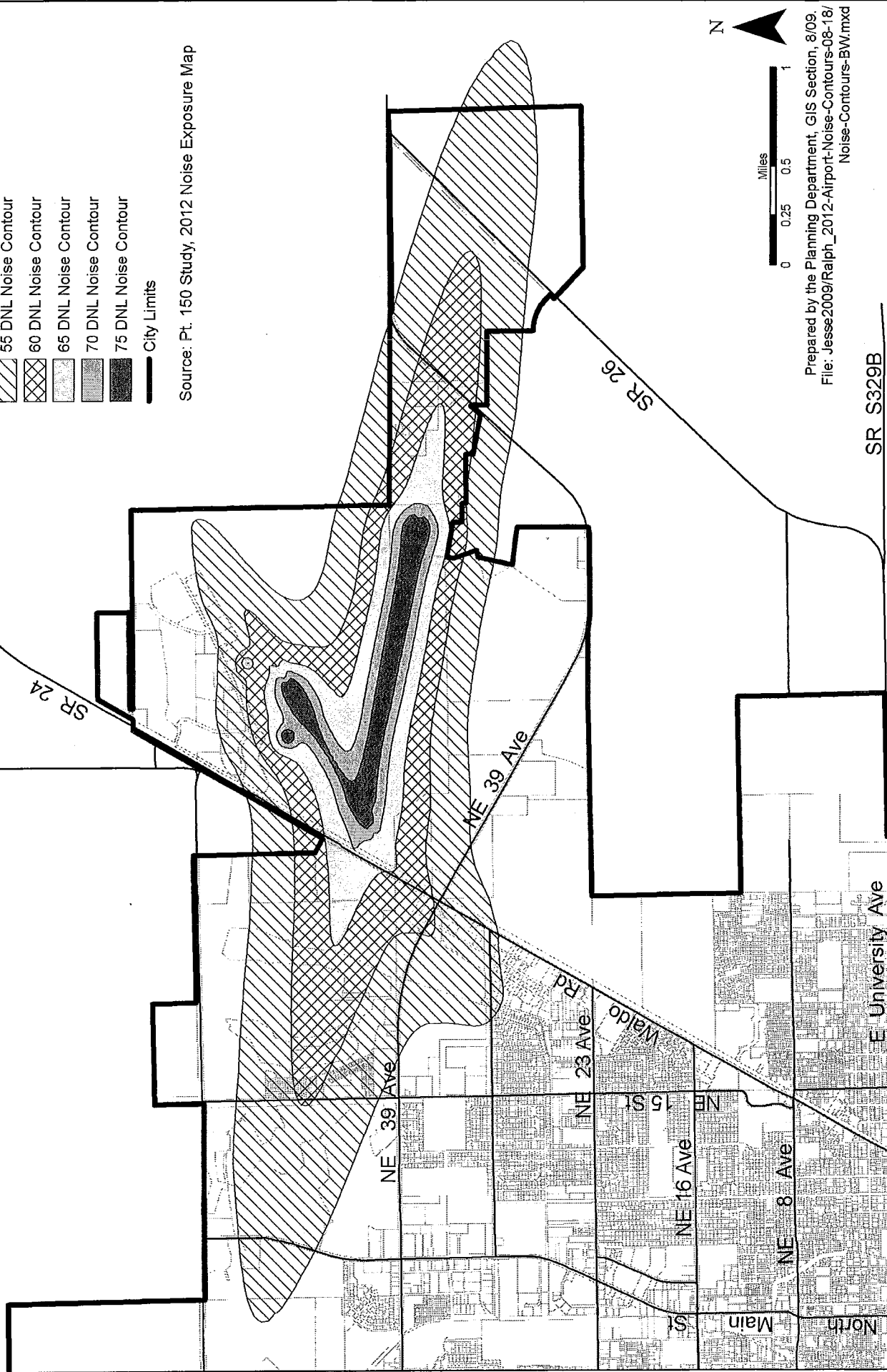


EXHIBIT "B" TO ORDINANCE
 (Legistar No. 070210)
 (page 1 of 1)

Airport Noise Zone Map
 City of Gainesville

- DNL Noise Contour**
- 55 DNL Noise Contour
 - 60 DNL Noise Contour
 - 65 DNL Noise Contour
 - 70 DNL Noise Contour
 - 75 DNL Noise Contour
 - City Limits

Source: Pt. 150 Study, 2012 Noise Exposure Map



Prepared by the Planning Department, GIS Section, 8/09.
 File: Jesse2009/Ralph_2012-Airport-Noise-Contours-08-18/
 Noise-Contours-BW.mxd

SR S329B