

Item No. 4**Date: July 21, 2005**

To: City Plan Board

From: Planning Division Staff

Subject: **Petition 109ZON-05 PB.** City of Gainesville. Rezone Ironwood property to include it within the Significant Ecological Communities Overlay District.

Recommendation

Staff recommends approval of Petition 109ZON-05 PB.

Explanation

On August 28, 2003, the City Plan Board made a final recommendation for a petition to the City Commission to establish a Significant Ecological Communities ordinance. The City Commission adopted this ordinance on Second Reading at their November 8, 2004 meeting. The ordinance establishes standards for protecting significant ecological communities within the city.

The next step necessary to implement this ordinance is to rezone parcels ranked "outstanding" or "high" (in terms of assessed environmental value) so that the Significant Ecological Communities regulations become an overlay to the land development regulations that apply to these parcels.

The subject property has been deemed "outstanding" by City Nature Operations staff, and is 358 acres in size. The property has split zoning and land use: single-family and industrial.

The Significant Ecological Communities Overlay Zoning District standards would operate in conjunction with underlying zoning district regulations for this property. The regulations of the underlying zoning districts, and all other applicable regulations, would remain in effect and would be further regulated by the Overlay District standards. If the provisions of the Overlay District standards conflict with the underlying zoning, the provisions of the Overlay District would prevail.

Over the course of the next several months, staff will be presenting additional petitions for the Plan Board to consider regarding the remaining parcels that have been ranked "outstanding" or "high" by staff.

Criteria Used to Assess Ecological Value

The Significant Ecological Communities ordinance contains criteria that are to be used to determine the ecological value of a parcel. These criteria are as follows:

- (a) **Criteria used to evaluate parcels for ecological value.** The following criteria

are used by the appropriate reviewing board, city manager or designee to evaluate the ecological value of parcels:

- Size of parcel;
- Number of viable Florida Natural Areas Inventory natural communities found at parcel;
- FNAI natural communities state rank;
- Condition of ecological processes found at parcel;
- Typical species found at parcel (based on Guide to Natural Communities in FL);
- Invasive, non-native species found at parcel;
- Connectedness of parcel;
- Water quality protection provided by parcel;
- Listed species found at parcel;
- Potential listed species that could be found at parcel; and
- Management potential of parcel

At the July 21, 2005 City Plan Board meeting, City Nature Operations staff will be available to present findings, if necessary, which describe how the subject property meets these criteria and justify their inclusion in the Significant Ecological Communities overlay map. A report from Nature Operations is attached.

Exclusion from Map

The ordinance provides the owner of a parcel proposed for inclusion within this overlay map (or previously approved by the City to be within the overlay map) an opportunity to petition the City to be excluded from the overlay map. The ordinance states that such an exclusion shall be based on the following criteria:

(b) **Exclusion from ecological communities map.** The City assumes that (an) ecological feature(s) on the property demonstrates at least 4 of the following:

- Rarity or exemplary;
- Vulnerability;
- High water quality (either through recharge, surface waters or wetlands);
- Connectedness;
- Viability (with most ecological processes intact)
- Manageability; and
- Nature-oriented human use potential.

Should the owner wish the property to be excluded from the map, the property owner has the burden to rebut this presumption by demonstrating that at least 4 of these attributes do not exist on the property.

Summary of Significant Ecological Communities Provisions

In addition to existing zoning and other regulations that currently apply, parcels within the Significant Ecological Communities overlay that are proposing development requiring site plan review will be required to comply with the following additional provisions:

- Submit an **Environmental Features Report** based on the Environmental Evaluation Policy Manual adopted by the City Commission by resolution.
- **Set aside** up to 10 percent of the parcel, above and beyond other required set-asides, should City and County staff determine that additional protection of sensitive environmental features is needed to protect those features.
- Should they exist on the parcel, protect a majority of Heritage trees on the parcel and provide at least one foot of **buffer for Heritage trees** for each inch of diameter breast height of tree trunk.
- Should they exist on the parcel, avoid disturbance of **sinkholes**.
- Be allowed to voluntarily **cluster** the development as a way to further protect and avoid sensitive environmental features on the parcel.

For this petition, the City Plan Board is being asked to consider evidence presented by City staff and citizens and make a recommendation to the City Commission as to whether this parcel should be included or excluded from the Significant Ecological Communities overlay.

Character of the District and Suitability

As the attached report demonstrates, this property is environmentally significant and is therefore suited to fall within the Significant Ecological Communities Overlay District.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

Placing this property within the Overlay District promotes more appropriate design for future development associated with significant ecological communities.

Applicable Portions of Current City Plans

There are no City plans for this area.

Needs of the City for Land Areas to Serve Purposes, Populations, Economic Activities

The City finds that it is beneficial to protect significant ecological communities.

Whether there have been Substantial Changes in the Character or Development of Areas In or Near Area Under Consideration

New single-family residential development has recently occurred adjacent to the west of this property. The property surrounds the City-owned Ironwood Golf Course.

Applicable Policies from the Gainesville Comprehensive Plan:

Conservation, Open Space & Groundwater Recharge Element

Goal 1

Establish and maintain an integrated and urban-defining open space network that protects and conserves key environmental features.

Objective 1.1

Upon adoption of this Plan, the City shall protect all significant environmental lands and resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall continue to identify environmentally significant open space and recreation sites for acquisition.

Policies

- 1.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall develop and adopt land development regulations that establish criteria for expansion of the minimum standards addressed below.
- a. Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a rebuttable presumption that development is detrimental to the regulated creek. Development must conform to applicable provisions of the land development regulations which prohibit development within a minimum of 35 feet of the break in slope at the top of the bank of any regulated creek.
 - b. Wetlands: Developments containing wetlands must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority. Degradation or loss of function that is unavoidable shall be minimized, and the applicant must demonstrate that the project is clearly in the public interest, with final administrative approval by the city commission on appeal, if necessary. The City shall develop and implement land development regulations that at a minimum:
 1. Establish criteria that are at least consistent with the relevant criteria of Section 373.414(1), F.S. for determining whether the project is clearly in the public interest.
 2. Establish mitigation ratios for wetland preservation, enhancement, restoration and creation. The mitigation ratios shall be at least 5:1 (acreage of mitigation area to impacted area) for impacts to natural wetlands or wetlands created as part of a mitigation project; and shall be at least 1:1 for impacts to created wetlands (e.g., livestock watering ponds, borrow pits, drainage ditches, etc.) that were not created as part of a mitigation project. Should there be irreconcilable differences between the mitigation required by the City and

that required by the state (water management district or FDEP), then the mitigation requirements of the state will prevail where there are irreconcilable differences.

3. Wetland creation is presumed to be the least desirable mitigation strategy.
4. Establish bonding, long-term monitoring and enforceable long-term maintenance requirements for wetland mitigation projects to ensure that all the negative impacts have been mitigated. Monitoring should be reviewed by the Alachua County Environmental Protection Department, the appropriate water management district, the University of Florida, or other appropriate monitoring agency or reviewing entity, with regulatory fees paid by the permitted applicant. The mitigation plan must be approved prior to the initiation of the project.
5. Require off-site mitigation to be performed within the same sub-basin and basin (the basins are depicted on the map entitled Wetland Mitigation Basins that is on file with the Community Development Department and is in the Data & Analysis section of this comprehensive plan element) in which the impact occurred, unless it is shown that mitigation outside the sub-basin is more appropriate. The order of preference for the location of the mitigated area(s) in relation to the impacted areas will be established in the land development regulations (LDRs).
6. Require that development shall not cause hydrological or wetland impacts off-site;
7. A minimum buffer distance of 35 ft. and an average buffer distance of 50 feet shall be required between the landward extent of any wetland or surface water and the developed area. Larger buffers may be warranted. The criteria for buffer expansion will be developed in the land development regulations;
8. Specify that the protections for wetlands shall be extended to all wetlands delineated in accordance with Section 62-340, F.A.C., regardless of whether they are currently mapped by the City of Gainesville;
9. Require review and approval of wetland mitigation projects by qualified professionals.
10. Outstanding Florida Waters, as listed in Section 62-302.700, F.A.C., shall have a minimum buffer of 200 feet. The City shall develop and implement land development regulations that establish appropriate setbacks for wetlands containing listed plant or animal species. Where these distance requirements preclude all economic development of a parcel, exceptions can be made upon approval by a majority of the city commission and with appropriate mitigation of wetland loss .
11. Wetlands damaged on or subsequent to the effective date of this policy shall either be restored to their original function and condition prior to such

damage, at the owner's expense or mitigated for, pursuant to the mitigation requirements of this comprehensive plan element.

- c. Lakes: Developments containing or adjacent to a natural lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be prohibited. Development shall be prohibited within 75 feet of the landward extent of a lake.
 - d. Wellfields: Development must be consistent with Policies 2.3.2 and 2.3.3 of this Element.
 - e. Major Natural Groundwater Recharge Areas: Development within this area must be consistent with Policies 2.3.3 and 2.3.5 of this Element.
 - f. Upland Areas: Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed on up to the maximum of 75 percent of the parcel.
- 1.1.2 The City shall use the environmentally significant properties inventory/ranking report to identify viable populations of native plant and animal species, environmentally significant areas, and unique geological or historic features that should be preserved, and show connectivity with other public lands and environmentally significant areas that should be maintained.
- 1.1.3 The City shall keep in force land development regulations that require new developments to dedicate land and easements, within federal constitutional guidelines, particularly for the creation of buffers along and around surface waters and natural reservations and to facilitate the development of greenways and other open space.
- 1.1.4 The City shall allocate a minimum of \$300,000 per year for the purchase and/or management of environmentally significant open space and of active and passive recreation sites.

Objective 2.4

The City shall amend its land development regulations as necessary to conserve environmentally significant surface waters; major natural groundwater recharge areas; threatened or endangered or listed (or candidates for being listed) plants, animals and habitats; and prevent the spread of invasive vegetation. The adopted regulations shall be designed to maintain viable populations of these existing plant and animal species and allow development activities which are compatible with identified environmentally significant lands and resources. (See Environmentally Significant Land and Resources map series within the Future Land Use Map Series.).

Policies

- 2.4.1 The City shall maintain an updated inventory of identified environmentally significant resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. If additional resources are identified, these

properties shall be subject to regulations keyed to the resource present at the site. The Future Land Use Map Series shall be amended to include these properties.

2.4.2 The City shall adopt land development regulations that protect identified threatened or endangered or listed (or candidates for being listed) plants, animals or habitats. These regulations shall require developments of parcels within the environmentally significant areas to submit an ecological inventory of the parcel.

| | |
|--|---|
| Applicant Information | City of Gainesville |
| Request | Amend the zoning of the property to apply the Significant Ecological Communities Overlay District to the existing SF and IND land use and zoning. |
| Existing Land Use Plan Classification | SF and IND. |
| Existing Zoning | RSF-1 (residential single-family, 3.5 du/ac) and I-1 (limited industrial). |
| Purpose of Request | Property was ranked "outstanding" by the 2001 Environmentally Significant Lands Report prepared by the City of Gainesville. |
| Location | South of NE 53 rd Avenue, east of NE 15 th Street, north of NE 39 th Avenue and west of Waldo Road. |
| Size | 358 acres. |
| Existing Use | Vacant |
| Surrounding Land Uses | |
| North | Murphree Wellfield and Municipal Water Treatment Plant |
| South | Vacant |
| East | Airport |
| West | Municipal Golf Course |

Surrounding Controls

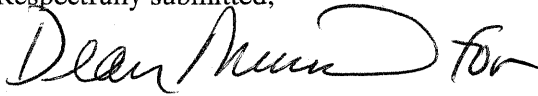
| | Existing Zoning | Existing Land Use |
|-------|--|---|
| East | AF (airport facility) & I-1 (limited industrial) | IND (industrial) & PF (public facilities) |
| South | RMF-5 (residential multi- | RL (residential low density), |

| | | |
|-------|--|---|
| | family, 12 du/ac), PS (public service), I-1 (limited industrial) | IND (industrial), REC (recreation) |
| West | PS (public service), I-1 (limited industrial) | REC (recreation), IND (industrial) |
| North | PS (public service) & Agriculture (county) | PF (public facilities) & Rural/Agriculture (county) |

Summary

The proposed land use change is consistent with the 2000-2010 Gainesville Comprehensive Plan, and is recommended for approval.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RW:DM:DN

Attachment

- Map of Parcel Proposed for Rezoning
- Significant Ecological Communities ordinance
- Environmental Evaluation Policy Manual
- Environmental Site Evaluation for the Subject Parcel