



# MEMORANDUM

Office of the City Attorney

Legistar No. 000882

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**TO:** Mayor and City Commission

**DATE:** November 26, 2001  
FIRST READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-01-18; Petition No. 175CPA-00PB  
An ordinance of the City of Gainesville, Florida, amending the Conservation, Open Space and Groundwater Recharge Element of the City of Gainesville 1991-2001 Comprehensive Plan; revising policies on wetlands; adding provisions concerning the Alachua County Forever program; adding provisions concerning the Alachua County Murphree Wellfield Protection Code; adding provisions concerning Floridan aquifer recharge areas; providing for an Environmentally Significant Land and Resources map series within the Future Land Use Map Series; adding Tumblin Creek and Hogtown Creek to the priority list for improving water quality; removing outdated provisions; amending provisions concerning NPDES permitting; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

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Recommendation: The City Commission (1) approve Petition 175CPA-00 PB, with modifications; and (2) adopt the proposed ordinance, as revised.

### STAFF REPORT

The updated Conservation, Open Space and Groundwater Recharge Element of the proposed 2000-2010 Comprehensive Plan reflects recommendations from the Evaluation and Appraisal Report adopted in 1998 and subsequent public input. This element was the subject of City Plan Board workshops on September 28, 2000 and November 30, 2000. The City Plan Board held a public hearing on the proposed updated Element on January 31, 2001, and the Board recommended approval with modifications by a vote of 6-0. The element was also presented at the February 12, 2001 meeting of the City Commission, and at comprehensive plan workshops on June 20, 2001 and July 26, 2001. On November 13, 2001, the City Commission voted to combine three exhibits to create the final draft of the Conservation, Open Space and Groundwater Recharge Element for review on November 26, 2001. The final draft is the combined recommendation of the Plan Board, Staff, and a proposal by Commissioner Neilsen after extensive public workshops.

The overall revisions proposed for the Conservation, Open Space and Groundwater Recharge Element include one new and several amended objectives, one amended goal, deletion of several

policies that have been met or are no longer pertinent, plus various new and amended policies. The new objective addresses coordination with Alachua County on the Alachua County Forever program and other potential funding sources, and has an associated policy. Other new policies address aquifer recharge area maps and protection of recharge areas, wellfield protection, sedimentation problems in Hogtown Creek, water quality in Tumblin Creek, State requirements regarding lawn sprinkler systems, establishing a Green Building Program, coordinating with other governmental entities regarding pollution problems, and protecting heritage and champion trees. In Objective 4.2, priority for improving the quality of water entering creeks has been expanded to include Hogtown Creek and Tumblin Creek. Objective 2.4 and an associated policy have been expanded to address conservation of listed and candidate species; changes to other objectives are relatively minor. Goal 3 regards the urban forest, and it has been expanded to state that the City's commitment to preservation of the urban forest and street trees is a defining feature of our community.

Proposed policy revisions include changes to standards and guidelines for protection of environmentally sensitive resources. Proposed changes include updating creek protection provisions to better reflect adopted land development regulations, increased setbacks from lakes, revising wetlands protection provisions by striking the 'no net loss of on-site wetland acreage and function' requirement, and proposing provisions that address mitigation and reflect much of the wetlands protection language that was recommended earlier this year to the City Commission by the Water Management Advisory Committee (WMAC).

**Fiscal Note:**

The City will have to set aside \$300,000 per year for the purchase and/or management of environmentally significant open space and of active and passive recreation sites.

**CITY ATTORNEY MEMORANDUM**

The above-referenced ordinance was approved by the Plan Board on January 31, 2001, and the Community Development Department has requested the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Approved and  
Submitted by:

Marion J. Radson, City Attorney

An ordinance of the City of Gainesville, Florida, amending the Conservation, Open Space and Groundwater Recharge Element of the City of Gainesville 1991-2001 Comprehensive Plan; revising policies on wetlands; adding provisions concerning the Alachua County Forever program; adding provisions concerning the Alachua County Murphree Wellfield Protection Code; adding provisions concerning Floridan aquifer recharge areas; providing for an Environmentally Significant Land and Resources map series within the Future Land Use Map Series; adding Tumblin Creek and Hogtown Creek to the priority list for improving water quality; removing outdated provisions; amending provisions concerning NPDES permitting; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

**WHEREAS**, the City Plan Board authorized the publication of notice of a Public

22 Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan be  
23 amended; and

**WHEREAS**, notice was given and publication made as required by law and a

25 Public Hearing was then held by the City Plan Board on January 31, 2001; and

WHEREAS pursuant to law, an advertisement no less than two columns wide by

27. 10 inches long was placed in a newspaper of general circulation notifying the public of

as this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in

20 the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the

... and the first advertisement was published; and

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1           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches  
2 long was placed in the aforesaid newspaper notifying the public of the second Public  
3 Hearing to be held at least 5 days after the day the second advertisement was published;  
4 and

5           **WHEREAS**, Public Hearings were held pursuant to the published notices  
6 described at which hearings the parties in interest and all others had an opportunity to be  
7 and were, in fact, heard; and

8           **WHEREAS**, prior to adoption of this ordinance, the City Commission has  
9 considered the comments, recommendation and objections, if any, of the State Land  
10 Planning Agency;

11           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
12 **THE CITY OF GAINESVILLE, FLORIDA:**

13           **Section 1.** The Conservation, Open Space and Groundwater Recharge Element of the  
14 City of Gainesville 1991-2001 Comprehensive Plan is amended as shown in Attachment  
15 A.

16           **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
17 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or  
18 element, or portion thereof in order to fully implement this ordinance.

19           **Section 3.** It is the intent of the City Commission that this amended element will become  
20 part of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a  
21 resolution.

22           **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
23 or unconstitutional by any court of competent jurisdiction, then said holding shall in no

1 way affect the validity of the remaining portions of this ordinance.

2 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
3 such conflict hereby repealed.

4 **Section 6.** This ordinance shall become effective immediately upon final adoption;  
5 however, the amendment to the 1991-2001 Comprehensive Plan shall not become  
6 effective until the state land planning agency issues a final order determining the adopted  
7 amendment to be in compliance in accordance with section 163.3184(9), or until the  
8 Administration Commission issues a final order determining the adopted amendment to  
9 be in compliance in accordance with section 163.3184(10).

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11 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2002.  
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16 PAULA M. DeLANEY  
17 MAYOR

18 ATTEST: Approved as to form and legality  
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23 KURT M. LANNON  
24 CLERK OF THE COMMISSION

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28 MARION J. RADSON  
CITY ATTORNEY

25 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

26 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

27  
28 carter:ordinances:175CPA-00 PB

# Attachment "A"

## Conservation, Open Space and Groundwater Recharge Element

November 13, 2001 (strike-throughs and underlines show changes from adopted 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 ~~on Map 2 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 ~~on Map 2 in the~~ (Environmentally Significant Land and Resources) map series within of 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 unless demonstrated otherwise. Developments must be consistent with conform to applicable provisions of the land development regulations~~ the "Regulations of Development Near Creeks" Ordinance, which prohibits development within ~~a minimum of 35 feet of the centerline break in slope at the top of the bank centerline of any regulated creek.~~
- b. Wetlands: Developments containing wetlands must ~~maintain the existing level of wetland acreage and function on the property, 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 cause of the degradation or loss of function 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 for determining whether the proposed development or activity is clearly in the public interest.~~

2. Establish mitigation ratios for wetland preservation, restoration and creation. Wetland creation is presumed to be the least desirable mitigation strategy. Creation strategies shall be subject to the highest levels of requirements, restrictions, and review as outlined in the land development codes.
3. 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.
4. Establish mitigation ratios of at least 5:1 (acreage of mitigation area to impacted area);
5. Require off-site mitigation to be performed within the same sub-basin and basin 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:
  - a. In the same basin and sub-basin;
  - b. In an adjacent sub-basin within the basin;
  - c. In an adjacent sub-basin outside the basin; and
  - d. In an adjacent basin;
6. Require mitigation to be performed within the city limits of Gainesville or the adjacent sub-basin;
7. Require that development shall not cause hydrological or wetland impacts off-site;
8. A minimum buffer distance of 35 ft. 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;
9. Specify that these protections shall be extended to all wetlands, regardless of whether they are currently mapped;

10. Require review and approval of wetland mitigation projects by qualified professionals.
11. Outstanding Florida Waters, as listed in s. 62-302.700, F.A.C., shall have a 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, as provided in the land development regulations, that require approval by a majority of the city commission and with appropriate mitigation of wetland loss at a minimum of a 5:1 ratio.
12. Wetlands damaged on or subsequent to the effective date of this policy shall be restored to their original function and condition prior to such damage, at the owner's expense except as may be provided in the land development regulations.

- 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 35 75 feet of the landward extent of a lake.
- d. Wellfields: Developments must be consistent with Policyies 2.3.32 and 2.3.3 of this Element.
- e. Major Natural Groundwater Recharge Areas: Developments within this area must be consistent with Policyies 2.3.43 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 adopt criteria for use the ranking environmentally significant properties inventory/ranking report the urban area, and use these criteria to develop an inventory of open space and natural reservations to be considered for acquisition. These criteria shall be designed to preserve 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 ~~By June 1992, The City shall adopt 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~~ \$150,000 per year toward the acquisition and preservation for the purchase and/or management of environmentally significant open space and of active and passive recreation sites.

### **Objective 1.2**

~~The City shall coordinate with Alachua County on the Alachua County Forever program, and with other potential funding sources for land acquisition for environmental and open space protection.~~

#### **Policies**

- 1.2.1 ~~The City shall seek to maximize the protection of environmentally sensitive lands through the nomination of properties for acquisition with Alachua County Forever and other relevant funds.~~

## **Goal 2**

**Mitigate the effects of growth and development on environmental resources.**

### **Objective 2.1**

Upon adoption of this Plan, existing citywide levels of wetland acreage and functions within City limits shall be maintained through the year 2001 2010.

#### **Policies**

- 2.1.1 ~~By 1992, The City shall develop and continue to update, augment and maintain an inventory of wetlands, and adopt land development regulations designed to preserve conserve existing wetland acreages and preserve natural functions within the Gainesville urban area. When wetlands are unavoidably lost to development, mandatory mitigation shall be required to ensure no net loss of acreage and functions occurs. Mitigation location protocol shall follow policy 1.1.1.b.5.~~

## Objective 2.2

The City shall improve the quality of stormwater entering City lakes and creeks by requiring development and redevelopment to meet the adopted water quality standards of this Element and the Stormwater Management Element.

### Policies

- 2.2.1 The City shall ~~adopt land development regulations that continue to~~ require stormwater quality treatment facilities for redevelopment of non-residential sites and the Central City District, particularly within stream-to-sink basins.
- 2.2.2 The City shall adopt land development regulations that reduce the amount of impervious parking surface allowed within any environmentally significant area, as compared to impervious allowances outside these areas. In these areas, reduction of impervious surface shall include reduction of required parking spaces, use of pervious surfaces, and/or use of multi-story parking structures to prevent damage to environmentally significant areas and transition zones.
- 2.2.32 The City shall ~~adopt continue to have~~ land development regulations that ~~require meet or exceed state-of-the-art best management practices for stormwater management, quality and hazardous materials management designs to prevent damage to environmentally significant areas and transition zones.~~
- 2.2.43 The City shall adopt land development regulations that require the handling of hazardous materials in such a way as to prevent degradation of the natural environment. At a minimum, this shall be achieved by complying with the Alachua County Hazardous Materials Management Code (Ord. 91-6, 1991) and the Alachua County Murphree Wellfield Protection Code, which:
  - a. Prohibits certain new, ~~large-scale~~ chemical businesses, hazardous materials facilities, and underground storage tank systems from siting within the unconfined zone of the Floridan aquifer;
  - b. Prohibit new, hazardous materials facilities from siting within the primary and secondary wellfield protection zones of the Murphree wellfield, and establish requirements for siting of hazardous materials facilities within the tertiary protection zones of the Murphree wellfield. Within the secondary zone, vehicular fuel storage subject to Florida Statutes 376.317 may be allowed.
  - bc. Requires new, Class C and D ~~large-scale~~ chemical businesses hazardous materials facilities as identified in the Alachua County Hazardous Materials Management Code to maintain large setbacks from surface waters, wells, and floodplains; and

- d. Requires stringent ~~ehemical~~ hazardous materials storage and containment designs, periodic monitoring, inspections, a management plan, fees, and penalties for non-compliance.

2.2.54 The City shall ~~adopt~~ continue to have land development regulations that supplement the standards of the applicable Water Management District to promote the natural cleansing of water in creeks. Such standards shall include:

- a. Limiting creek dredging;
- b. Prohibiting channelization;
- c. Requiring sedimentation controls during and after construction;
- d. Protecting creek banks and vegetation;
- e. Requiring treatment of the first "one inch" of runoff;
- f. Restoring previously channelized creeks identified for restoration by the City, when feasible.

2.2.65 The City shall maintain an inventory of altered creek segments suitable for restoration to a more natural condition.

### Objective 2.3

~~By June 1992, The City shall only permit activities that maintain drinking water resources to meet the demands of population projected for the year 2001 2010.~~

### Policies

2.3.1 ~~To proteet drinking water resources, the City shall adopt criteria for the location of hazardous materials collection/transfer/treatment facilities.~~

2.3.21 The City shall continue to cooperate with the Alachua County Environmental Protection Office Department, the Florida Department of Environmental Regulation Protection (FDER)(FDEP), the Water Management Districts, and the Environmental Protection Agency (EPA) and shall support the appropriate agencies with efforts to accomplish the following:

- a. Identify areas of pollution to surface waters and groundwater;

- b. Establish a monitoring program that provides an annual report describing present environmental conditions and cleanup status;
- c. Identify parties responsible for polluted areas, and require such parties to mitigate pollution problems.

2.3.32 The City shall allow land uses and facility design ~~in that part of the City falling within wellfield management protection zones (and other "community water system" cones of influence as defined by Fla. Administrative Code Chapter Rule 17-550.200 62-550.200 (Drinking Water Standards, Monitoring, and Reporting, Definitions for Public Water Systems) and Chapter 9J-5.003(274) (Definitions, "cone of influence"), F.A.C.) and identified on Map 2 in the (Environmentally Significant Land and Resources) map series within of the Future Land Use Map Series, that are in compliance with the Murphree Wellfield Management Code Ordinance 88-15, Protection Code, adopted July 26, 1988 by the Alachua County Board of County Commissioners. New placement of septic tanks in the secondary zone for non-residential uses shall also be prohibited.~~

2.3.43 The City shall only allow new development ~~to place septic tanks~~ in commercial, institutional, and industrial districts ~~to place septic tanks~~:

- a. In ~~compliance with areas of major groundwater recharge, if the development is in compliance with the Alachua County Hazardous Material Code Ordinance 91-6 and does not include activities handling hazardous materials as listed in EPA's extremely hazardous substances list promulgated by SARA Title III; and Division 3., Wellfield Protection Special Use Permit of the City's Land Development Code, and if the development is in compliance with the Alachua County Hazardous Materials Management Code.~~
- b. In areas not shown as regulated creek, lake, and wetland, ~~and upland areas identified on Map 2 (in the Environmentally Significant Land and Resources map series) of the Future Land Use Map Series.~~

2.3.54 The City shall ~~adopt continue to have~~ a water conservation plan consistent with the Water Management Districts' plans (Sec. 373.175 & 373.246, F.S., and Chap. 40C-21, F.A.C.). The plan shall include strategies to deal with emergency conditions, implement public education campaigns regarding the nature of groundwater resources and the need to protect and conserve them, provide a public information program on water reuse systems, and develop potable water rate structures to encourage water conservation.

2.3.65 Pursuant to Section 373.0395, F.S., Water Management Districts ~~will are to map~~ "prime" groundwater recharge areas within the County. Should such areas be identified within City limits, the areas will be mapped and included in the adopted

comprehensive plan, and City land development regulations shall be amended to protect such areas if they are not already protected by existing regulations and programs.

2.3.6 Until such time as prime recharge areas are mapped, the City shall use the Floridan Aquifer recharge maps prepared by the St. Johns River Water Management District and the Suwannee River Water Management District (see Environmentally Significant Land and Resources map series within the Future Land Use Map Series). City land development regulations shall be amended to protect such areas if existing regulations and programs do not already protect them.

2.3.7 Final development orders shall require compliance with septic tank rules (Chapter 10D-6, F.A.C. 64E-6, F.A.C. and Section 381.272 (9)(a), F.S.)

2.3.8 The City shall inform the public of the requirements of Section 373.62, Florida Statutes, regarding automatic lawn sprinkler systems.

#### **Objective 2.4**

The City shall adopt amend its land development regulations, based on performance standards keyed to the resources, that are as necessary to conserve environmentally significant surface waters; major natural groundwater recharge areas; development-constraining soils; 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 Map 2 of Environmentally Significant Land and Resources map series within the Future Land Use Map Series.)

#### **Policies**

2.4.1 By 1993, The City shall maintain an updated its inventory of identified environmentally significant resources identified on Map 2 in the Environmentally Significant Land and Resources map series within of the Future Land Use Map Series. If additional resources are identified, these properties shall be subject to performance-based 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.

2.4.3 The City shall ~~develop~~ continue to have guidelines for the design of stormwater basins that require the use of native vegetation and basin slopes suitable for stormwater treatment that promote highly diverse plant and animal habitats, particularly within stream-to-sink basins, and that enhance the hydrological and ecological functions of related wetland areas.

2.4.4 ~~By 1994, the City shall identify road segments where large numbers of animals are killed ("road kills") and establish mitigation policies to be used in conjunction with future road improvements. Future road alignments shall avoid minimize their impact~~ on environmentally significant animal habitats.

2.4.5 The City shall ~~adopt land development regulations that~~ continue to require construction design consistent with existing terrain by discouraging contouring, cut and fill, or other practices where they might be shown to cause soil erosion.

2.4.6 The City shall ~~adopt~~ continue to have land development regulations for environmentally significant wetlands, lakes and regulated creeks that require:

- a. Setbacks from regulated creeks, lakes and wetlands;
- b. Prohibition of development ~~which that~~ would cause erosion and sediment pollution to regulated creeks, lakes and wetlands;
- c. No net increase in the rate of runoff from development sites adjacent to regulated creeks, lakes and wetlands;
- d. Retention or detention of the first inch of runoff of developments adjacent to regulated creeks, lakes and wetlands, through on-site filtration;
- e. Retention of vegetation integral to the ecological value of regulated creeks, lakes and wetlands;
- f. Compliance with the City's adopted criteria for controlling sediment and erosion;
- g. Allowance of a transfer of development intensity and density from lower to higher elevations of a site; and
- h. Prohibition on the installation of all septic tanks.

2.4.7 The City shall ~~annually periodically~~ conduct an inventory of environmentally significant plants, animals, and habitats within at least two city-owned parks or open space parcels; prepare a list of plants, animals, and habitats to protect; and prepare a plan for the maintenance of viable populations of these plants and animals.

2.4.8 ~~By 1992, Chemical control efforts by the City to manage pest species shall only include use of chemicals designated by the City to be that are safe for wildlife and public health. Chemical control will be used only when non-chemical controls do not abate the pest problem.~~

2.4.9 The City shall coordinate with Alachua County, ~~FDNR FDEP~~ and the Water Management Districts to conserve environmentally significant ~~vegetative plant~~ communities located within both the City and within the unincorporated area by submitting relevant land development proposals for review to the Alachua County Environmental Protection Office Department, the applicable Water Management District, and ~~FDNR FDEP~~ for comment and recommendation.

2.4.10 ~~By June 1992, the City shall adopt land development regulations that include (1) a definition of environmentally significant open space and other categories of open space; and (2) regulations to preserve such open space.~~

2.4.11~~10~~ The City shall protect floodplains through existing land development regulations ~~which that~~ at a minimum:

- a. Prohibit development within the flood channel or floodplain without a City permit;
- b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
- c. Prohibit permanent structures in the flood channel, except for those necessary for flood control, streets, bridges, sanitary sewer lift stations, and utility lines;
- d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise potentially harmful materials in the flood channel;
- e. Prohibit development within the floodplain ~~which that~~ would reduce the capacity of the floodplain;
- f. Prohibit development ~~which that~~ would cause or create harmful soil erosion, stagnant water, and irreversible harmful impacts on existing flora and fauna;
- g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and parking areas; and
- h. Limit floodplain uses to launching areas for boats and structures at least one foot above the 100-year flood elevation, in addition to those allowed in the flood channel.

2.4.1211 The City's shall amend its current land development regulations shall to include performance-based standards to protect environmentally significant lands and resources that will at minimum by:

- a. Controlling permissible uses through regulatory overlay districts;
- b. Providing opportunities for alternative and innovative site development;
- c. Establish Providing setback and parking standards;
- d. Providing mandatory mitigation to ensure no net loss of acreage and functions citywide when wetlands are unavoidably lost;
- e. Allowing for, or requiring the clustering of development away from environmentally significant resources; and
- f. Restricting on-site waste disposal systems.

2.4.1312 At a minimum, conservation strategies for significant vegetative natural communities shall include:

- a. Required preservation conservation of native upland vegetative natural communities;
- b. Installation of native vegetation landscaping and removal of invasive trees and shrubs; and
- c. Surface water Setbacks.

## Objective 2.5

The City shall continue existing programs and institute new programs as necessary to maintain air quality levels which comply with county, state and national ambient air quality standards through the year 2001 2010.

## Policies

2.5.1 Adopt citywide regulations restricting or prohibiting the burning of plastics, particularly with regard to local government, institutional, or commercial incineration. (Refer to Solid Waste Element for additional incineration policies.)

2.5.2 By 1995 the City shall make available a general information brochure describing known radon hazards in the City.

2.5.32 The City shall encourage ~~non-auto~~ transportation choice by adopting new programs and strategies as may be needed to encourage public mass transit use, bicycling, walking, and higher urban development densities near neighborhood centers activity centers, satellite parking lots, and mixed land uses.

### Objective 2.6

The City shall continue to promote and practice ~~energy~~ natural resource conservation and pollution prevention to reduce energy consumption and demand in order to reduce negative impacts on the environment. To accomplish this, the City shall continue to incorporate energy saving natural resource-saving and pollution prevention policies in this Element and other elements of the Comprehensive Plan (such as Solid Waste, Future Land Use, and Traffic Circulation Transportation Mobility).

#### Policies

2.6.1 ~~By 1992, after completion of the Local Energy Engineer Program (LEEP), the City shall amend the Comprehensive Plan to include an Energy Element unless it is deemed unnecessary.~~

2.6.1 The City shall continue to provide customers with education and incentive programs to encourage ~~reduced energy consumption~~ natural resource conservation and pollution prevention.

2.6.2 The City shall establish by 2003 a Green Building Program in order to encourage environmentally friendly and energy-efficient construction.

### Goal 3

Improve urban spaces through preservation and enhancement of the urban forest.  
Maintain the City's commitment to preservation of the urban forest and street trees  
as a defining feature of our community.

#### Objective 3.1

~~After January 1, 1992, The total percentage of tree canopy coverage within the City shall not fall below the 1992~~4~~ percentage of tree canopy, as estimated by the City Manager or his designee, using methods developed by the Florida Division of Forestry, except in the event of natural catastrophe (disease or insect epidemic, or storm).~~

#### Policies

3.1.1 ~~By 1992, establish a tree planting program whereby The City shall continue to~~  
~~plants at least 400 trees (or 650 inch-diameters at chest height) within City limits~~

annually, and encourage developers and citizens to plant at least 600 trees annually. At least 75 percent of the trees should be native to north Florida.

3.1.2 The City shall adopt land development regulations for new development that require the following:

- a. Use of native and drought-tolerant plants ("xeriscape") and a reduction in allowable turf area;
- b. Energy conservation through a 5 percent increase in tree and shrub canopy ~~over the 1990 Gainesville Landscape Ordinance canopy requirements in the Land Development Code that result in to shade for buildings and pavements;~~
- c. ~~Use of pervious paving materials adjacent to landscape strips and islands to provide greater rooting volume for trees and shrubs;~~
- ~~c. d. Species diversity in new plantings (no more than 50 20 percent of any one genus citywide, or on any site plan except those within airport flight paths, or except for street tree plantings, which, on a given street should be uniform with respect to genus, size and shape; however, street tree diversity is to be attained citywide, even though it will not be attained on an individual street) to reduce the effect of loss of a tree species due to insect or disease outbreaks. (This policy excludes parking lots and road medians, that may have up to 50 percent of one tree genus.); and~~
- d. e. A plan for the removal of invasive trees and shrubs shall be submitted at the time of final development review.

3.1.3 ~~By 1991, the City will have applied for a matching grant to conduct an inventory of city street trees to identify large trees and available planting locations. The information generated will be used as the basis for a comprehensive tree planting plan. If a grant is not awarded, then a study shall be conducted that will lead to the development of a comprehensive tree planting plan. By 1994, the City will conduct an independent study on the impact of trees on the infrastructure and shall submit a report, the information from which can be incorporated in the comprehensive tree planting plan so that appropriate trees can be planted in appropriate locations.~~

3.1.43 ~~By 1992, all The City shall continue to require that removal of regulated trees (as identified by the Gainesville Landscape Ordinance) that are not subject to development plan approval shall be mitigated by on- or off-site tree planting (or an equivalent exaction of fees) of at least 10 percent for regulated trees and 100 percent for Heritage trees (other than regulated water oak, laurel oak, camphor~~

~~and pine and tallow, which shall require 10% mitigation) of the total diameter inches removed measured at breast height.~~

3.1.54 By ~~1995~~ 2003, the City shall ~~adopt~~ prepare tree-lined streetscape guidelines which require the preservation and establishment of tree-lined streets and compatibility with existing infrastructure. In order to promote compatibility with infrastructure, strategies such as placing overhead utilities underground, using aerial (or tree) cabling, planting trees that are compatible with overhead utilities and reserving street right-of-way for trees shall be implemented, when economically feasible. All trimming within the public right-of-way shall use the National Arborist Association's approved tree-pruning practices to minimize the physical and aesthetic harm to trees that must be pruned.

3.1.6 In support of Policy 3.1.5, the City, shall, by June 1992, identify important street segments (to be known as "Gateway Streets") where a reduction in visual obtrusiveness of infrastructure would be desirable. Consideration of financial and physical obstacles associated with all existing infrastructure along suggested gateways will be made before official designation.

3.1.7 By 1992, the City shall ~~prepare a plan for the establishment and preservation of tree-lined streets. This plan shall give priority to high visibility Gateway Streets and important activity center road segments, as well as segments included on the Metropolitan Transportation Planning Organization (MTPO) Transportation Improvement Plan.~~

3.1.85 The City shall continue to remove invasive trees and shrubs from its rights-of-way and property and to inform private property owners of the benefits of removing invasive vegetation.

3.1.96 The City shall ~~continue~~ amend the Land Development Code to exclude invasive vegetation from plant material permitted in landscape plans.

3.1.7 The City shall continue to have land development regulations that protect heritage and champion trees as an important community resource. The regulation at a minimum shall include:

- a. Variances from land development regulations to save and preserve trees;
- b. Levy of fines for the unlawful removal of trees as provided by the Code of Ordinances; and
- c. Setback requirements to protect trees before, during and after construction.

#### Goal 4

**Provide ongoing monitoring of environmental resources and mitigate current pollution problems and potential point sources of pollution.**

### **Objective 4.1**

~~By June 1992, The City shall establish participate in an environmental quality monitoring program designed to identify problems and trends in local air, surface water, groundwater, and plant and animal habitat quality. This program shall also be used to evaluate the effectiveness of protective regulations.~~

### **Policies**

4.1.1 The City shall work with the Alachua County Environmental Protection Office Department and other appropriate agencies organizations to design and implement a comprehensive and ongoing monitoring program for Gainesville's environmental resources. This program should have at least an urban area scope and shall produce a "state of the environment" report ~~on~~ at least every five years ~~an annual basis~~.

### **Objective 4.2**

~~By 1993, The City shall identify pollution problems by and responsible parties responsible, and shall establish strategies to mitigate, remediate, or assist in the mitigation or remediation of, these problems in all watersheds within Gainesville's city limits. One priority In consideration of the importance of water quality of the creeks in our community, priority shall be given to improving the quality of water entering Sweetwater Branch, Tumblin Creek and Hogtown Creek which transmits water directly to the Floridan Aquifer through Alachua Sink.~~

### **Policies**

4.2.1 ~~By December 1992 2003, the City shall submit a National Pollutant Discharge Elimination System (NPDES) permit application to FDEP in order to improve surface water quality work with FDNR, FDEP, St. Johns Water Management District and Alachua County to prepare a plan which at a minimum will be consistent with NPDES permitting to ensure that water discharged by Sweetwater Branch, into Paynes Prairie will be discharged in a manner that will support the management objectives of FDNR and City objectives regarding protection of the Floridan Aquifer System.~~

4.2.2 ~~The City shall comply with State pollution control requirements at the former Gainesville Airport Landfill and Burn Site described in the Solid Waste Element.~~

4.2.3 ~~By 1994, the City shall develop and implement a mitigation plan for identified point sources of air pollution from city owned facilities.~~

- 4.2.2 The City shall continue to explore projects for improving water quality, including the study of sedimentation problems, in the Hogtown Creek watershed with the goal of reducing sediment accumulation in the vicinity of NW 34<sup>th</sup> Street by 2010.
- 4.2.3 The City shall continue to explore projects for improving water quality in Tumblin Creek that are identified in the City of Gainesville Master Stormwater Plan.
- 4.2.4 To enhance the quality of water entering Sweetwater Branch, the city will construct a master stormwater basin to treat flow from downtown Gainesville,
- 4.2.5 The City shall coordinate with the Alachua County Environmental Protection Department and other governmental entities in identifying pollution problems and providing documentation and other relevant assistance as appropriate and feasible towards the mitigation and remediation of pollution problems, including assistance as necessary in cases where sanctions may be imposed for violations of applicable environmental regulations.



b. Establish a monitoring program that provides an annual report describing present environmental conditions and cleanup status;

c. Identify parties responsible for polluted areas, and require such parties to correct pollution problems.

2.3.2 The City shall allow...with the Murphree Wellfield Protection Code. New placement of septic tanks in the secondary and tertiary zone for non-residential uses shall also be prohibited.

2.3.3 New commercial septic tanks shall be prohibited.

(a. to be removed)

(b. to be removed)

2.3.4 The City shall regularly update its water conservation plan consistent with...regarding the nature of groundwater resources and the need to preserve and protect them...

2.3.5 Change "are to map" to "shall map". Change "protect such areas" to "preserve such areas".

2.3.7 Final development orders shall require, at minimum, compliance with septic tank rules....

#### Objective 2.4

The City shall amend its land development regulation, based on performance standards keyed to the resources, that are necessary to preserve environmentally significant surface waters; major natural groundwater recharge areas; development constraining soils; threatened or endangered... The adopted regulations shall be designed to preserve viable populations of these existing...

2.4.2 The City shall adopt land development regulations that preserve identified...

2.4.3 The City shall update and continue to use its guidelines... suitable for stormwater treatment that preserve highly diverse plant and animal habitats and that preserve the hydrological and ecological functions of related wetland areas.

2.4.4 ...Future road improvements and alignments shall avoid environmentally significant animal habitats.

