

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

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

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

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

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

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

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

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

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

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

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

21

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1

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

12 **Objective 4.3**

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

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

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

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

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- 12. A natural and/or planted buffer with a minimum average width of 100 feet that at no location is less than 25 feet wide, shall be retained along the entire western boundary property line beginning at SR 121 at the north and ending at US 441 at the south, but shall not include the southwesterly property line abutting US 441.
- 13. A natural and/or planted buffer with a minimum average width of 200 feet that at no location is less than 50 feet wide, shall be retained along the southern boundary of ~~LandMar~~ Plum Creek, west of SR 121, between industrial and residential uses.

B.b. Conservation Land Use Areas

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

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

- 1. All areas designated Single-Family, Residential Low-Density and Planned Use District land use shall be implemented by Planned Development (PD) zoning. The required rezoning to PD of the areas designated Single-Family and Residential Low-Density may occur in increments over time upon request of the property owner and approval by the City; however, rezoning of the Planned Use District (PUD) area to PD shall occur as provided in Paragraph F below entitled “Planned Use District Land Use Area”. Until such rezonings to PD are effective, the zoning district designations shall remain Agriculture for all areas designated Single-Family, Residential Low-Density and Planned Use District land use; and
- 2. All areas that are rezoned to PD shall be designed to be traffic-calmed and pedestrian friendly; and
- 3. The PD rezonings for ~~LandMar~~ Plum Creek shall ensure that allowed uses are integrated within the existing site landscape in a way that reasonably assures the following:
 - a. Preservation of the ecological integrity of the ecosystems of ~~LandMar~~ Plum Creek by creating and maintaining connectivity between habitats, minimizing natural area fragmentation, and protecting wetlands,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 G.g. Miscellaneous Provisions

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

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

15 2. ~~LandMar shall be limited to the maximum levels of development specified~~
16 ~~below for the initial phase until such time that adequate public facilities~~
17 ~~and services at the City's adopted levels of services are demonstrated for~~
18 ~~subsequent phases. Each phase of development is required to be~~
19 ~~submitted and reviewed in its entirety, and each phase shall be analyzed~~
20 ~~showing the cumulative impacts of previously approved phases.~~
21 ~~The initial phase of development within the first five years shall consist of:~~

22 ~~581 residential units, which shall include a maximum of 481 single-family~~
23 ~~detached units and a maximum of 100 multi-family units subject to City~~
24 ~~approval of a traffic study provided by the owner/developer that shows~~
25 ~~adequate transportation LOS. The initial phase may include up to 30,000~~
26 ~~square feet of non-residential use in exchange for a portion of the allowed~~
27 ~~residential units. The exchange rate shall be based upon applicable trip~~
28 ~~generation rates so that the total trips attributable to the initial phase will~~
29 ~~not exceed the total trips attributable to the allowed 581 residential units.~~
30 ~~The PD approval process shall ensure a balanced mix of residential and~~
31 ~~non-residential uses are developed in the first phase. Subsequent to build-~~
32 ~~out of the first phase, a complete analysis shall be provided by the~~
33 ~~owner/developer that demonstrates to the satisfaction of the City the~~
34 ~~availability of adequate public facilities as adopted in the City's LOS~~
35 ~~standards. Until such time that the developer can demonstrate or fund~~
36 ~~adequate public facilities, the development is limited to the initial phase of~~
37 ~~the development.~~

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

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

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

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

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

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

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

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

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

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

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

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

19

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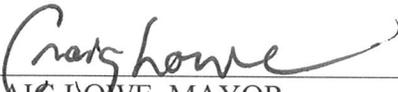
1 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

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

3

4

5


CRAIG LOWE, MAYOR

6 ATTEST:

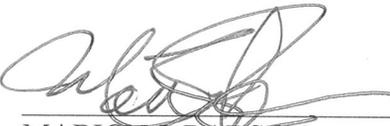
APPROVED AS TO FORM AND LEGALITY:

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10 
KURT M. LANNON
11 CLERK OF THE COMMISSION


MARION J. RADSON
CITY ATTORNEY
OCT 21 2010

12

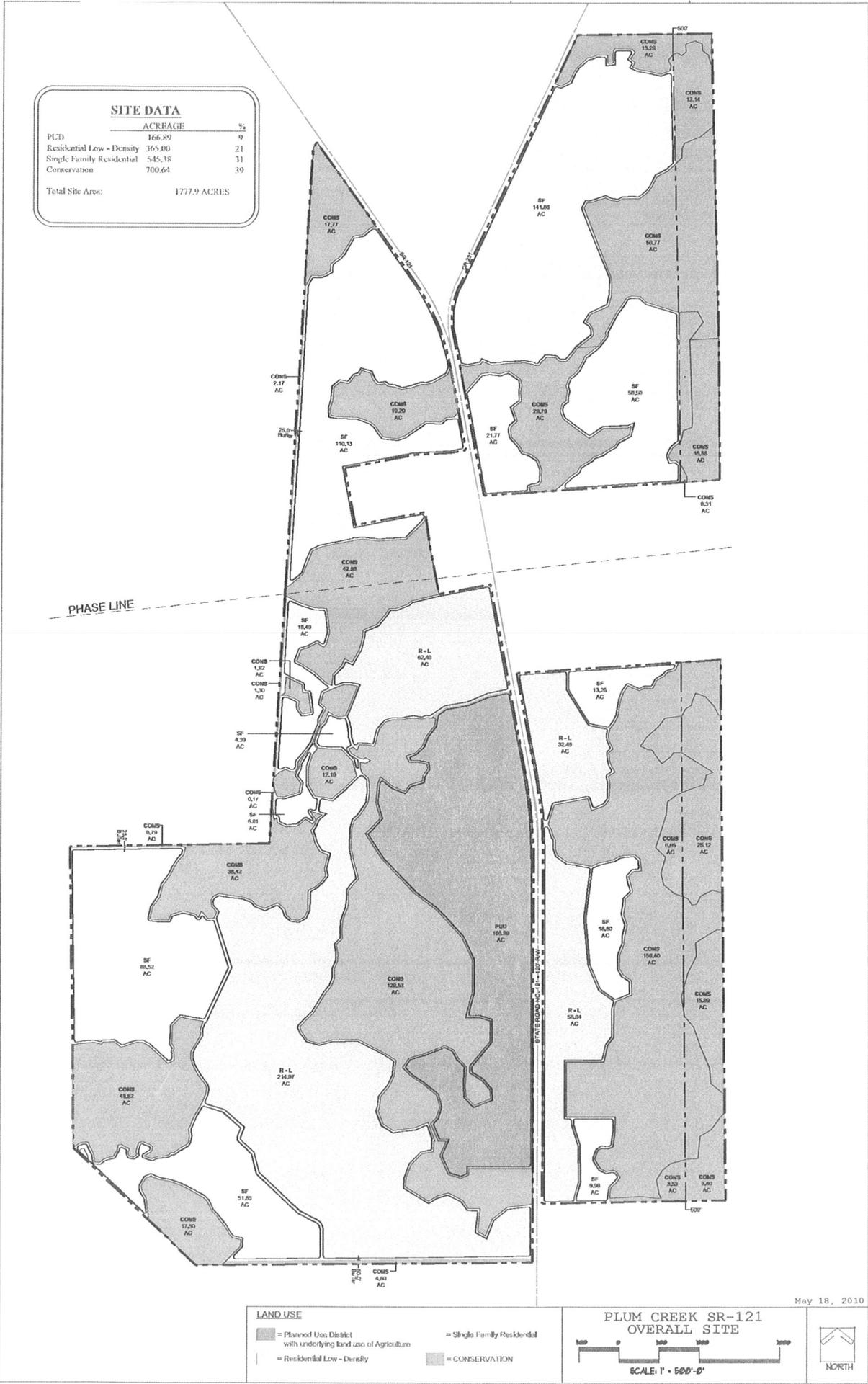
13 This Ordinance passed on first reading on the 2nd day of September, 2010.

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

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

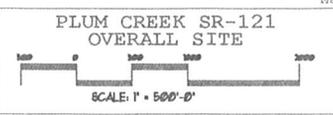
ATTACHMENT "A"

SITE DATA		
	ACREAGE	%
PLUD	166.89	9
Residential Low - Density	365.00	21
Single Family Residential	545.38	31
Conservation	700.64	39
Total Site Area:		1777.9 ACRES



P:\Projects\Plum Creek Timber\Governs\121 Property\GD Plan\2008.12.12\MapA.dwg December 15, 2008 1:18:17pm cmm

LAND USE	
	= Planned Use District with underlying land use of Agriculture
	= Residential Low - Density
	= CONSERVATION
	= Single Family Residential



May 18, 2010

NORTH