



ENG, DENMAN & ASSOCIATES, INC.

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**HATCHET CREEK
AN ENVIRONMENTAL CLUSTER SUBDIVISION**

DESIGN PLAT APPLICATION

CONSISTENCY REPORT

February 11, 2009



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Sec. 30-181. Requirements of subdivision.

To effectuate the purpose and intent of this article, every subdivision of land or lot split within the city shall be made in accordance with the requirements specified in this article. Except for a minor subdivision or lot split, as provided for in section 30-189, and single lot replatting, as provided in section 30-191, such requirements include a pre-application conference, as provided in section 30-182; obtaining design plat approval, as provided in section 30-183; obtaining construction plan approval, as provided in section 30-184; obtaining final plat approval, as provided in section 30-185; constructing required public improvements, as provided in section 30-188; and supplying bonds or other security for the construction and maintenance of such improvements, as provided in section 30-186. Proposed residential subdivisions must meet the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular review stage), or certificate of conditional concurrency reservation.

Sec. 30-182. Pre-application conference.

(a) *Required.* Prior to the preparation of a design plat, the subdivider shall seek the advice of the city staff to become familiar with the subdivision requirements, city policies and provisions of the comprehensive plan. The subdivider is encouraged to bring plans and data specified in subsection (c) so as to clearly show existing conditions of the site and its vicinity and the proposed layout of the subdivision. It is intended that the procedure will assist the subdivider in preparing a plat which will meet the requirements of this article. This procedure does not require a formal application or fee.

The applicant conducted a pre-application conference (first step meeting) with City staff on December 1, 2008.

(b) *Prohibited or discouraged designs or improvements.* As indicated in this article and further referenced in the design manual, certain practices, designs or improvements are discouraged or prohibited. If prohibited, a modification will be required pursuant to subsection 30-192(c) in order for the same to be allowed. If discouraged, the same may be allowed by the city commission depending on a proper showing of necessity (less than that required for a modification) and the infeasibility of requiring the preferred practices, designs or improvements when applied to the particular circumstances involved.

Not applicable. The proposed design plat is in compliance with the applicable design requirements.

(c) *Concept review (Sketch drawing).*

(1) The applicant may submit an application for the optional concept subdivision review. The concept review for subdivision of land shall be done by city staff. A sketch shall be submitted by the subdivider for the concept review.

(2) The sketch shall contain the following data:

- a. Approximate tract boundaries;
- b. Approximate location with respect to section lines;
- c. Streets on and adjacent to the tract;
- d. Proposed general street layout;
- e. Environmental features including but not limited to significant topographical and physical features including creeks, uplands, lakes and wetlands, FEMA and

- community determined flood plains, and heritage trees; f. Generalized existing vegetation;
- g. Proposed general lot layout and the total number of lots; h. Existing buildings on the property;
- i. Land use and zoning designation of the subject property; and j. Generalized stormwater management plan.

(3) As far as may be practicable on the basis of a sketch, the reviewer will, without prejudice to the city, advise the subdivider of the extent to which the proposed subdivision conforms to the standards of this chapter and other applicable ordinances or statutes, and will discuss possible plat modifications necessary to secure compliance and whether a traffic study will be required. The review schedule for concept subdivision plans shall follow the same submittal and review schedule for development plans.

This step is not required and the applicant has decided to directly submit a design plat application.

Sec. 30-183. Design plat requirements and approval.

(a) *Generally.* Following the pre-application conference, the public notice process, and prior to any subdivision of lands, the subdivider shall first obtain approval of a design plat from the development review board and city commission, pursuant to the procedures and specifications provided in this article. Prior to the recording of an approved final plat, or prior to the conditional approval of a final plat, clearing and grubbing of land, tree removal and the construction of improvements is expressly prohibited. Following a pre-application conference on a parcel, the requirements of this subsection (a) become applicable and supersede any other regulation on tree removal.

The pre-application conference (first step meeting – December 1, 2008) and public notice (neighborhood meeting – December 23, 2008) requirements have been met.

(b) *Application.* To obtain design plat approval, the subdivider shall submit an application and the appropriate filing fee to the department of community development, on such form as provided by the department. Each application shall include multiple copies of the design plat as necessary to facilitate the review process, prepared in accordance with the standards specified in article VII, division 1, of this chapter and including all of the items required by subsection 30-183(e). Proposed residential subdivisions must meet the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary concurrency or certificate of conditional concurrency reservation.

The proposed subdivision will meet the standards of 30-183(e) and applicable policies outlined in the comprehensive plan.

(c) *Fees.* The fee required with an application for design plat approval shall be in accordance with the schedule set out in Appendix A of the City Code. Such fees are required to defray the cost of filing the application, notifying interested parties, conducting investigations, and holding hearings on the design plat and final plat.

The appropriate fees are included in this application (\$463 plus \$10.5 per lot plus \$2,000.00 for major traffic study review).

(d) *Developments of regional impact.* For any subdivision which is presumed to be a development of regional impact as provided in F.S. Ch. 380 and Chapter 27F, Florida

Administrative Code, additional copies of the design plat and a completed application for development approval shall be submitted for filing with the regional planning agency and the state land planning agency.

Not Applicable. This project is below the DRI thresholds.

(e) *Specifications.*

(1) The design plat shall be drawn clearly and legibly at a scale of at least one inch equals 100 feet on linen or stable base film, using a sheet size of 24 inches [by] 36 inches, reserving a three-inch binding margin on the left side and a one-inch margin on the other three sides. If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet. The design plat shall be prepared by a land surveyor, signed and sealed before review, and shall contain the following information:

a. Proposed name of the subdivision;

Name: "Hatchet Creek, An Environmental Cluster Subdivision"

b. Name and registration number of surveyor;

Name and registration number are shown in the design plat by Eng, Denman & Associates.

c. Date of survey approval, north point with bearing or azimuth reference clearly stated in the notes or legend, graphic and written scale, and space for revision dates;

Topographic Survey by George F Young, Inc.

d. Vicinity map showing location with respect to major roads and acreage of the subdivision;

Vicinity map shown on cover sheet of design plat.

e. Boundary line of the tract by bearings and distances;

Boundary survey by George F Young, Inc.

f. Legal description of the tract to be subdivided;

See design plat.

g. Preliminary layout including streets, alleys and easements with dimensions and proposed street names, lot lines with approximate dimensions, land to be reserved or dedicated for public uses and designation of any land to be used for purposes other than single-family dwellings;

See overall layout. Dimensions of lots, existing and proposed easements are shown in the design plat.

h. Total number of lots;

Number of lots is shown in the design plat and cover sheet.

i. The front building setback line for each lot; and

Proposed lot setbacks are shown in the design plat and overall layout.

j. An inscription stating "NOT FOR FINAL RECORDING."

Notation is shown in design plat.

k. Sidewalks, on all streets, on both sides, and at least five feet wide. Sidewalks not required on cul-de-sac or dead end or loop less than 100 feet long. Sidewalk required on at least one side of street on cul-de-sac or dead end or loop from 100 to 250 feet long, and for a project in which the closest lots to a connecting street on a cul-de-sac or dead end are at least 1,000 feet from the street it stems from. Sidewalks on both sides on cul-de-sac or dead end or loop greater than 250 feet long.

Sidewalks are proposed on both sides of all proposed roads, including cul-de-sacs.

(2) The design plat shall also contain or be accompanied by:

a. The name, address and telephone number of the property owner and of any agent of the property owner involved in the subdivision of the property;

Name, address and telephone number of the property owner is indicated on the cover sheet.

b. The exact locations, names and widths of all existing streets, alleys and recorded easements within and immediately adjoining the subdivided lands;

See Design Plat.

c. The location and a general description of any utilities facility on the subdivision tract;

See Cover sheet and Utility Plans.

d. The invert elevation of existing and proposed sewers;

See Utility Plans for details of proposed sanitary sewer.

e. The location and size of existing improvements on the subdivision tract;

See Boundary, Topographic and Tree Survey by George F Young, Inc.

f. The zoning and land use plan designations of lands within the subdivision tract and of abutting property;

See Design Plat.

g. Natural and manmade features on the subdivision tract, including creeks, ponds, lakes, sinkholes Not Applicable, wetlands, watercourses, municipal and community wellfield management zones, major aquifer recharge areas, and lands within the floodplain and flood channel as shown on the community determined flood control maps and FEMA; The Boundary, Topographic and Tree Survey indicates locations of creeks, ponds, lakes, wetlands and watercourses. Sinkholes and major aquifer recharge areas are not located within this site.

h. The location of all major tree groupings and identification of all heritage trees by genus and species on the subdivision tract, a designation of which tree groupings and heritage trees are proposed to be removed, and identification by genus and species of all regulated trees as defined in section 30-254 located in or within 15 feet of any proposed right-of-way or utility improvement.

See Boundary, Topographic and Tree Survey by George F Young, Inc.

i. Stormwater management plan in accordance with section 30-270 and the public works desing manual;

See Master Drainage Plan and Drainage Design Report.

j. A soil survey map;
See Soil Map.

k. A generalized statement outlining, as far as is known, the subsurface conditions of the subdivision tract, including subsurface soil, rock and groundwater conditions, the location and results of any soil permeability tests, the location of any underground storage tanks, and the location and extent of any muck pockets;
See attached Soils Report included with the Drainage Design Report.

l. A topographic map of the subdivision tract and a minimum of 100 feet or more of the surrounding area as required to determine the offsite drainage and any impacts caused by or related to the offsite drainage. The map shall be prepared by a land surveyor, with maximum intervals of one foot where overall slopes are no more than two percent, two feet where slopes are between two and ten percent, and five feet where slopes are ten percent or greater based on North American Vertical Datum, 1988; and
See Boundary, Topographic and Tree Survey by George F Young, Inc.

m. A general location map showing the relationship of the subdivision tract to such external facilities as streets, residential area, commercial facilities and recreation/open space areas, and greenways, within one mile of the tract.
See attached General Location Map.

(3) If the proposed subdivision contains land located within the floodplain as shown on the community determined flood control maps and FEMA maps, the subdivider shall be required to submit topographic information for areas adjoining sides of the channel, cross sections for land to be occupied by the proposed development, high water information boundaries of the land within the floodplain and other pertinent information.
See Boundary, Topographic and Tree Survey by George F Young, Inc.; Design Plat and Environmental Report prepared by Ecosystem Research Corporation (E.R.C.).

(4) If the proposed subdivision contains land located within the surface water, wetlands, or uplands district, the subdivider shall be required to submit the following additional information for those areas designated:

a. A vegetation overlay at the same scale as the design plat showing special protection species of plants and animals.
See Vegetation Overlay Plan by Ecosystem Research Corporation (E.R.C.)

b. A design plat showing buffer distances between areas to be developed and designated surface water or upland environmental features.
See design plat.

c. Square footage and percent of total subdivision tract to consist of impervious surface.
See design plat.

d. A description of strategies to protect or restore environmental features and special protection species on the subdivision tract.
See environmental report prepared by E.R.C.

e. Projected on-site and off-site water quality impacts to Outstanding Florida Waters, OFW, which may result from the proposed subdivision.

See drainage report and environmental report prepared by E.R.C.

(f) *Officials' examination.*

(1) Prints of the design plat shall be referred by the department of community development to the technical review committee and other applicable departments and agencies for review and findings. The officials involved shall report their findings and recommendations to the department of community development.

(2) The director of public works or designee shall examine and check the design plat to determine if the application conforms to criteria for general engineering, traffic stormwater management, flood plains and maintenance easement requirements.

(3) The general manager for utilities or designee shall examine and check the design plat for needed utility easements.

(4) The department of community development shall, at the development review board and city commission hearings on the design plat, report the recommendations of the several agencies above-mentioned and county, state and federal agencies, together with an analysis of the conformance and nonconformance of the design plat to the provisions of this chapter and other applicable requirements.

All the required copies of the application will be provide to the City Planning Department for their distribution.

(g) *Review of design plan.* The development review board review shall include consideration of staff findings and evidence and testimony from the general public. The board shall determine if the proposed subdivision is in conformity with the general goals and objectives of the city with respect to the officially adopted comprehensive plan; the city's official roadway map; existing zoning requirements, including amendments thereto; policies and plans established by the city with respect to neighborhoods, lake levels, water supply, protecting environmental features, provision for emergency access, consideration of pedestrian, bicycle and transit access and greenway connections, waste disposal and other essential utilities; the overall stormwater management plan; and policies for development in any special improvement and redevelopment districts. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, stormwater management, lot sizes and arrangement and the present or future development of abutting property.

Included in the application is an analysis of consistency with the Comprehensive Plan. The Design Plat has been designed in accordance with the above mentioned design considerations. The subdivision layout is clustered away from the environmentally sensitive areas and includes an interconnected network of streets, sidewalks and greenways which provide an enhanced aesthetic quality. The project also provides appropriate utility improvements and a stormwater system that is designed in accordance with City and water management district standards.

An analysis of consistency with the Comprehensive Plan is also included in this application.

(h) *Development review board approval.*

(1) At a scheduled public meeting, the development review board will receive reports on and review the design plat to determine its conformance with all applicable requirements.

(2) The board may approve the design plat as presented if found to be in compliance, require modifications, or disapprove the plat. Approval of the design plat, subject to conditions, revisions and modifications as stipulated by the board, shall constitute conditional board approval of the subdivision as to the character and intensity of development and the general layout and approximate dimensions of streets, lots and other proposed features. If the design plat is disapproved, the development review board shall indicate the reasons therefore.

(i) *City commission review.*

(1) Within 60 days after development review board approval, the subdivider shall file with the department of community development at least three copies of the approved design plat, including the modifications, if any, imposed by the development review board. Should the plat not be so filed within that period, no preliminary development order shall be issued unless an extension of time is requested in writing prior to the expiration of that period and is granted by the city commission. In granting an extension, the city commission may attach such other restrictions or conditions as the commission deems appropriate to serve the public interest. In the case of residential subdivisions, the city commission may vote to grant extensions for design plat review of up to six months only and only if the subdivider possesses a valid, unexpired certificate of concurrency exemption, certificate of preliminary concurrency or certificate of conditional concurrency reservation, as appropriate. Further extensions for city commission review of design plats for residential subdivisions shall require a new concurrency review.

(2) The city commission shall review the recommended design plat and consider findings made by the development review board and/or staff. The city commission shall determine if the proposed subdivision is in conformity with the general goals and objectives of the city with respect to the officially adopted comprehensive plan; existing zoning requirements, including all amendments thereto; policies and plans established by the city with respect to neighborhoods, lake levels, water supply, protecting environmental features, provision for emergency access, consideration of pedestrian, bicycle, vehicle and transit access and greenway connections, waste disposal and other essential utilities; the overall stormwater management plan; and policies for development in any special improvement and redevelopment districts. Particular attention shall be given to the arrangement, location, function and width of streets, their consistency with the goal of developing a multimodal transportation network, their interaction with the overall transportation system and relation to the topography of the land, water supply, sewage disposal, stormwater management, lot sizes and arrangement and the present or future development of abutting property.

(j) *City commission approval.*

(1) The commission may approve the design plat as presented if found to be in compliance, require modifications, or disapprove the design plat if it is not in compliance. If disapproved, the design plat must be redesigned before resubmission for approval.

(2) Effect of approval. Approval of the design plat by the city commission is a preliminary development order. It shall not constitute acceptance of a final plat but shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. The preliminary development order shall expire and be of no further effect 12 months from the date of approval unless a final plat is filed for approval or the time is extended with appropriate conditions by the city commission prior to expiration; otherwise, the subdivider must reapply for design plat approval in accordance with the provisions of this chapter. In the case of residential subdivisions, the city commission may vote to grant

extensions of up to six months only, and only if all the concurrency management requirements of this chapter can be met and if the extension would not be in conflict with any other ordinance of the city. The approval of nonresidential subdivisions in no way reserves capacity for the purposes of concurrency.

The Design Plat has been submitted to City staff for distribution to these review bodies.

Sec. 30-187. Design standards.

(a) *Flood hazards.*

(1) A subdivision plat shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation. All subdivisions, or portions thereof, located within a flood channel or floodplain shall meet the requirements of article VIII.

(2) When any portion of a subdivision lies within the floodplain and/or flood channel as designated on the city's adopted flood control maps, those lines will be approximately shown and the words "CERTAIN PORTIONS OF THIS PLAT LIE WITHIN THE DESIGNATED 100-YEAR FLOODPLAIN" shall be clearly designated on the final plat. This note will be added to the final.

(b) *Lots and blocks.*

(1) *Generally.* Lots and blocks shall be designed according to acceptable practice for the type of development and use contemplated so as to be in keeping with the topography and other site conditions and provide adequate traffic and utility access and circulation; provide acceptable use of space; and provides privacy, adequate drainage and protection of property.

See the overall layout for the design of the lots and blocks in the subdivision. The subdivision is an environmental cluster subdivision, which is designed to protect the sensitive environmental features of the site. In doing so, the lots and blocks are designed consistent with the existing topographic conditions and in accordance with traffic design standards. Utilities and drainage features have also been designed in accordance with applicable regulations.

(2) *Dimensions.* The size, width, depth, shape and orientation of lots shall be appropriate for the subdivision and for the type of development and use contemplated. Lot dimensions and street abutment requirements shall not be less than the minimum standards established in article IV. Lots in areas shown on the future land use map as single-family or residential planned use district for single-family detached units shall front on a local street, whenever the lots abut a local street.

The subdivision layout meets the dimensional standards and is consistent with these regulations. See the design plat for specific details.

a. For development sites of five acres or less, located in an area shown on the future land use map as single-family or residential planned use district, the following standards shall apply. The lot size and dimensions must be generally consistent with abutting/adjacent lots. The minimum lot width of new parcels shall be no less than 75 percent of the average width of adjacent lots, but shall not be required to be greater than 150 feet and may not be less than the minimum required in article IV. Each lot must meet this minimum requirement at the front setback line (as opposed to the minimum front yard setback) and the rear property line. The minimum lot width requirement shall not apply if a 35-foot natural or planted buffer is created as a perimeter buffer around the new development. The

perimeter buffer may include stormwater facilities and must be approved by the city commission during design plat review.

Not applicable.

b. The city commission may grant a waiver to the standards listed in a. above for any single lot that is greater than or equal to 1.5 times the required lot size of the zoning district in which the property is located.

Not applicable.

(3) *Side lot lines.* Side lot lines shall be, as nearly as practical, at right angles to straight street lines and radial to curved street lines. No lot shall be divided by a municipal boundary.

Side lots as proposed are consistent with this provision. See the design plat for the subdivision lot layout.

(4) *Double-frontage lots.* Double-frontage and reverse-frontage lots shall be discouraged except where essential to provide separation of residential development from traffic arterials and collectors or to overcome specific disadvantages of topography and orientation. A landscape buffer screen in accordance with the requirements of subsection 30-188(j) of this chapter, across which there shall be no right of vehicular access, shall be provided on lots abutting the traffic arterial.

No lots have double frontage. A common area is placed between lots abutting the collector roadway.

(c) *Streets.*

(1) The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan, particularly any neighborhood elements, now in existence or as may hereafter be adopted, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Proposed layout meets the applicable policies of the Comprehensive Plan.

(2) When an appropriate street network is not shown in the comprehensive plan now in existence or as may be hereafter adopted, the arrangement of streets in a subdivision shall provide for the continuation or appropriate projection of existing collector or arterial streets in surrounding areas unless topographic, traffic volume or other conditions make continuance or conformance to existing streets impractical or undesirable.

The proposed street network is not shown in Comprehensive Plan; however the layout of proposed streets provides connectivity with two major collector roads and protects their functionality.

(3) Each street on the plat shall be designated as one of the following types, based upon the projected traffic count for the street:

a. *Street types.*

TABLE INSET:

Street Type	Description of Intended Use	Range of Average Daily Trips at Full Development
	(See section 30-23 also for definition)	
Minor local street	Local streets are designed to serve the local community.	Less than 800
	Residences should be designed to front local streets. Local streets should be designed to encourage slow speeds and discourage non-local traffic.	
Major local street	See above.	801 to 1,200
Minor local collector	Collector streets are designed to carry and distribute traffic between local streets and arterial roadways (see design manual).	1,201 to 3,200
Major local collector	See above.	3,201 to 7,000
Minor arterial	Arterial streets are routes that generally serve and interconnect major activity centers in the urban area and/or provide connections between cities.	7,001 to 12,000
Principal arterial	See above.	Over 12,000

The roadway network (see attached exhibit) included the following road types:

- **Major Local Collector:** Main road connecting NE 39th Avenue and NE 53rd Avenue (Road A as shown in overall layout) will be designed as “Major Local Collector” with an 80-ft R/W.
- **Minor Collector Streets:** One minor collector road is proposed (Road R) and will be designed with a 70-ft R/W.
- The remaining of the roadways are classified as Minor Local Street (50-ft R/W) and the lots will be fronting to these roadways.

b. *Lots fronting on collector streets.* Lots fronting on collectors shall be prominently identified on the final plat with substantially the following language: "THE LOT FRONTS ON A MAJOR/MINOR COLLECTOR STREET WHICH IS DESIGNED TO CARRY UP TO XXXXXX VEHICLES PER DAY," with XXXXXX being replaced by the appropriate number.

No lots are abutting collector streets.

c. *Lots abutting arterial streets.* Lots abutting arterial streets shall comply with subsection 30-187(e).

No arterial streets are proposed on this project.

(d) *Traffic count data.*

(1) The number of annual average trips per day may be obtained from the city traffic engineer.

Average trips per day are included in the traffic report.

(2) Trip generation rates shall be calculated by a professional engineer using trip generation rates established by the Institute of Transportation Engineers according to accepted engineering practices approved by the city traffic engineer.

Trip generation rates are included in the traffic report.

(e) *Subdivisions on arterial streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the provision by the subdivider of marginal access streets, reverse-frontage lots with planting screen contained in a non access reservation along the rear property lines, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic from local traffic may be required. No lot in any area shown on the land use plan for single-family use or single-family residential PUD at less than eight units per acre shall front on an arterial street.

No arterial streets are proposed on this project.

(f) *Design specifications.* The subdivision shall be designed in accordance with specifications delineated in the design manual for intersection design, intersection sight distance, minimum street design and cul-de-sac minimum lengths and turnaround diameters.

Subdivision will be designed in accordance with the Design Manual of the City of Gainesville Public Works Department.

(g) *Reserved.*

(h) *Reserved.*

(i) *Reserved.*

(j) *Street access to abutting property.* When designated on the official roadway map or determined by the city commission to be needed for proper traffic circulation, access to abutting property shall be provided through the use of a street stub. If such a street stub terminates more than 100 feet from an intersection, it shall be provided with a temporary turnaround which would allow vehicular traffic to turn around safely without having to leave the pavement. Specifications for optional temporary turnarounds are contained in the design manual. The developer of the abutting area shall pay the cost of restoring the street to its permanent cross section and extending the street at such time as the abutting area is developed.

Street access to abutting parcels is provided in accordance with the Public Works Design Manual.

(k) *Reserved.*

(l) *Dedication of right-of-way.* Where a proposed subdivision abuts or includes a future transportation corridor alignment or existing transportation corridor that is scheduled for construction shown in the City of Gainesville 1991--2001 Comprehensive Plan or the Florida Department of Transportation 5-Year Transportation Plan or the Alachua County 5-Year Work Program, rights-of-way as needed according to the proposed road type shall be dedicated on each side of the proposed alignment for use as a transportation and utility corridor.

Proposed subdivision is not located within the transportation corridor map as designated by the City or County.

(m) *Alleys*. When provided in any district, alleys shall have a minimum right-of-way width of 20 feet.

No alleyways are proposed in this project.

(n) *Sidewalks and bikeways*. Where provided, sidewalks and bikeways shall be designed as an integral part of the total on-site and off-site circulation system, including integration or linkage with designated greenways, and shall be located within the street right-of-way or within rear lot easements or common open areas.

Sidewalks and bikeways will be provided within the street R/W and will be connected to the proposed greenway trail.

(o) *Greenway dedication*. Where a proposed subdivision contains a designated greenway, the appropriate review board shall determine if there is a rough proportionality between the projected impact of the development on traffic and recreational needs and the nature and amount of property in the development encompassing the greenway. If the board finds the necessary proportionality, a right-of-way or public trail easement shall be dedicated to the city for use as a greenway corridor. The dedication shall correspond with the entire length of the [designated] greenway corridor as it passes through the subject property, and be of sufficient width to comply with design standards as specified in subsection 30-308(a)(2)a.3, pertaining to greenway districts. Such a dedicated corridor may be established for joint use as both a greenway and for required utility or stormwater management facility dedications when such dedications are compatible with the greenway use. In making its determination, the board shall consider the following:

- (1) Assessed value of the property to be dedicated and proportion to value of entire property;
- (2) Square footage of property to be dedicated and proportion to area of entire property;
- (3) Other legal and reasonable uses of property to be dedicated;
- (4) Impact to otherwise legal and reasonable plans being considered for development of entire property that would be caused by dedication of the property;
- (5) Estimated increase in transportation demand caused by the development, and estimated amount of automobile trips that would be avoided by having dedication in place;
- (6) Estimated increase in recreation demands caused by the development.

A greenway trail network is proposed within the subdivision as shown in the plans. The greenway is designed in conjunction with natural areas, wetlands and creeks with internal streets and main roadways (39th Ave, 15th Street and 53rd Avenue. The Greenway will be dedicated to the City of Gainesville for public use (see attached exhibit)

(p) *Utilities easements*. When they are necessary to serve the subdivision, utilities easements shall be provided, with a minimum width of 15 feet, located along lot lines. Additional width may be required for sewer or stormwater management easements. Side lot line easements may be decreased to ten feet in width when serving a single electric, cable TV, gas or telephone utility. Rear lot line easements shall be discouraged.

Proposed utility easements are located on both sides of the proposed R/W. Easements to serve water and sanitary sewer will be provided as necessary.

(q) *Stormwater management easements*. Easements, rights-of-way and stormwater management facilities meeting all requirements of section 30-188 shall be required, upon recommendation of the director of public works.

Stormwater easements will be provided over the stormwater systems and stormpipe systems when are not located within a R/W.

(r) *Subdivision entrances.* Landscaped islands or medians may be permitted within the right-of-way at all subdivision entrances. These areas shall be landscaped with materials from the Gainesville Tree List, [and] street landscape materials which shall be adopted and amended by resolution of the city commission and which list shall be maintained by the department of community development. In addition, the landscaped area shall be provided with an irrigation system or a readily available water supply within 100 feet. Maintenance of subdivision entrance identification and landscaping shall be in accordance with subsection 30-188(g).

The subdivision will have two major entrances located on 39th Avenue; and 53rd Avenue. These entrances will have islands with landscape material and proposed monument signs.

(s) *Underground utilities.* Provisions shall be made for utility lines of all kinds, including but not limited to those of franchised utilities, electric power and light, telephone, cable services, water, sewer and gas, to be constructed and installed beneath the surface of the ground within residential and non-residential subdivisions, unless the city commission determines that soil, topographical or other compelling conditions make such construction unreasonable or impractical. The subsurface mounting of incidental appurtenances, including but not limited to transformer boxes or pedestal-mounted boxes for the provision of utilities, electric meters, back flow preventers and fire hydrants shall not be required.

Proposed utilities will be installed underground as required by the city code of ordinances and in accordance with GRU and utility company standards.

(t) *Stormwater facilities.*

(1) Easements for maintenance access shall be granted to the city along drainage basins and along all storm sewers. In some circumstances, additional easements may be required by the city manager or designee for maintenance access only.

Stormwater systems and access areas will be dedicated for maintenance to the City of Gainesville.

(2) The design of stormwater facilities shall consider the ease of maintenance over the life of the facility.

Stormwater systems have been designed in accordance with the City of Gainesville and SJRWMD ordinances and codes.

(3) Any appurtenances placed in the right-of-way or within any publicly dedicated drainage basin, such as fountains, landscaping, lighting features, and signs, shall be the sole responsibility of the homeowners association and shall only be installed with express written approval of the city manager or designee. A maintenance agreement shall be required prior to acceptance of the facility by the city.

If appurtenances are proposed within public R/W they will be permitted in accordance with the city code.

(u) *Fire hydrants.* Fire hydrants shall be required in all subdivisions as per plans approved and accepted by Gainesville Regional Utilities and the city fire department.

Fire hydrants are shown in the utility plan of the design plat.

Sec. 30-188. Required improvements.

(a) *Generally.*

(1) Within 12 months after final plat approval, the subdivider shall construct the improvements enumerated in this section in accordance with the provisions of this chapter,

other applicable ordinances and statutes, and such additional standards and specifications as may be adopted from time to time by resolution of the city commission.

Not applicable, the application is for design plat only.

(2) An engineer shall design the installation of all streets, sidewalks, bikeways, drainage structures, bridges, bulkheads and water and sewer facilities.

Not applicable, the application is for design plat only.

(b) *Monuments.*

(1) Permanent reference monuments (PRM's) and permanent control points (PCP's), as defined in F.S. Ch. 177, shall be placed as required by F.S. Ch. 177. PRM's shall be set in the ground so that the upper tip is flush with or no more than one foot below the finish grade.

(2) All lot corners shall be designated with a permanent marker such as an iron rod, iron pipe or concrete monument.

(3) The land surveyor shall, within one year after city commission approval of the final plat, including conditional approval if applicable, certify that the above-required monuments have been set and the dates they were set.

Not required for design plat.

(c) *Street specifications.* Streets shall be designed in accordance with the following:

(1) Standards contained in the design manual that specify dimensions and construction standards for subgrade, pavement base, wearing surface and minimum pavement width for minor local streets, major local streets, minor local collectors, major local collectors, minor arterials, and major arterials; and

(2) Guidelines that address curb and gutter roadways, noncurb and gutter roadways, roadway widths for on-street parking, and the location of sidewalks.

Construction plans will include the applicable standards.

(d) *Costs of street improvements.*

(1) It shall be the responsibility of the subdivider to install all local and minor collector streets located within a subdivision. When a major collector or a major or minor arterial street is located within a subdivision, the subdivider shall be required to construct the street, but shall only be required to pay a portion of the construction cost, which portion shall be determined by the ratio that the estimated average daily traffic on the street generated by the subdivision lands at full development bears to the total estimated average daily traffic for the street based on full development of its entire service area. The city shall pay the remaining portion of the street construction costs, but the total dollar liability of the city shall be limited to its proportion of the estimated construction costs prepared by the subdivider and approved by the city commission prior to construction. At its option, the city commission may waive the requirement for construction of the major local collector or major or minor arterial and any associated bikeways or sidewalks, in which case the subdivider's only obligation shall be the dedication of the required right-of-way. Also at its option, when the subdivider's portion of the cost of the major local collector or major or minor arterial exceeds 50 percent, the city commission may permit the construction of a half street by the subdivider.

(2) When the average daily trips of a subdivision impact an existing minor or major arterial or major local collector street, it shall be the responsibility of the subdivider to make

improvements as necessary to serve the proposed development while maintaining the operating conditions of the affected roadway. These improvements can include, but are not limited to, installation of additional lanes, signalization, associated stormwater management improvements, and the installation of associated bikeway, sidewalk and transit improvements. The city commission may determine the proportional cost of programmed improvements to be allocated to the subdivider.

Not applicable, the application is for design plat only.

(e) *Sidewalks and shared use bicycle paths.*

(1) Sidewalks are required on both sides of all streets at least five feet in width, except that subdivisions in the industrial, agriculture, conservation, airport services and public services zoning districts are only required to provide sidewalks on arterial and collector streets, as designated by the city manager. However, land designated as industrial on the city's future land use map shall not be required to provide sidewalks as a required subdivision improvement nor shall a sidewalk be required on a cul-de-sac or dead end or loop street(s) if the cul-de-sac, dead end or loop street(s) is less than 100 feet long. A sidewalk is required on at least one side of the street on a cul-de-sac or dead end or loop street(s) that is between 100 and 250 feet long. Illustrations are shown below. Where required, sidewalks shall be at least five feet in width and maintain a clear width of at least five feet. Whenever a sidewalk intersects with a curbed street, ramps shall be installed to facilitate access to the sidewalks by wheelchairs. Ramps and sidewalks shall be constructed in accordance with the design manual. For a project in which the closest lots to a connecting street on a cul-de-sac or dead end are at least 1,000 feet from the street it stems from, sidewalks are required on at least one side of the street up to the lot nearest to the connecting street.

Construction plans will include the applicable standards.

(2) The installation of sidewalks shall be the responsibility of the subdivider and the sidewalks shall be installed prior to the acceptance of the improvements by the city. The subdivider may elect to postpone installation of sidewalks until such time as building permits are issued for 60 percent of the subdivision lots, up to a maximum of five years. However, security for the construction of such sidewalks, in the amount of 150 percent of the estimated costs of construction, shall be provided by one of the methods described in subsections 30-186(a) and (c). In subdivisions, sidewalks along streets fronting common areas such as stormwater basins, entrance streets, or open space must be installed within 12 months of final plat approval (acceptance of improvements by the city), and are not eligible for the above-described postponement provisions.

Construction plans will include the applicable standards.

(3) The city manager or designee may grant a waiver to the requirement of installing a streetside sidewalk or the sidewalk width requirement to save a Heritage tree or a regulated tree deemed by the city manager or designee to have special value to the urban forest. Instead, the sidewalk right-of-way is allowed to be re-aligned or a short narrowing of the sidewalk width is allowed. The city manager or designee can approve either a sidewalk less than five feet wide for a distance less than 15 feet, or may require the dedication of additional right-of-way or easement so that the sidewalk can avoid the tree.

Construction plans will include the applicable standards.

(4) Where a previously dedicated street forms a boundary of a subdivision, and where adequate right-of-way for the installation of a required sidewalk does not exist, the

subdivider must dedicate proper sidewalk areas upon the side of the street abutting the lands subdivided and construct the required facilities.

Construction plans will include the applicable standards.

(5) Sidewalk construction in accordance with this section shall be required for each individual lot in a subdivision created after September 11, 2000, prior to being issued a certificate of occupancy.

Construction plans will include the applicable standards.

(6) A shared use bicycle path shall be provided in a subdivision wherever designated on the officially adopted trail network plan for the city. Also, subdivisions containing a proposed trail network corridor shall provide a shared use bicycle path and sidewalk system that integrates or links the subdivision with the trail network.

A shared use bicycle path will be provided within the main collector roadway and within the proposed greenway, creating an interconnected network. The City of Gainesville does not have a designated trail network corridor is not part of this parcel.

(7) Shared use bicycle paths that are required in compliance with the officially adopted trail network plan for the city shall be a minimum of ten feet in width and shall be constructed with an asphaltic concrete wearing surface, one inch in thickness. The pavement base shall be a minimum of three inches of limerock compacted to a density of 95 percent AASHTO T-180 or equivalent as approved by the city engineer. Subgrade shall have a minimum LBR of not less than 30. A ramp shall be provided at every intersection with a curbed street.

The shared use paths will be designed in compliance with these regulations.

(f) *Bridges.* Bridges shall be constructed in accordance with design standards delineated in the design manual.

No bridges are proposed in this development.

(g) *Permanent development identification signs and structures.* Permanent development identification signs and structures for subdivisions may be located in the public right-of-way provided there is compliance with article IX, division 1, of this chapter and provided there is compliance with the following restrictions:

(1) *Maintenance agreement.* A maintenance agreement between the city and the subdivision or neighborhood organization or the developer placing the sign in the public right-of-way is required. The agreement shall provide that the subdivision or neighborhood organization or developer, including its successor or assign, is responsible for maintaining the sign and the public right-of-way where the sign is located.

If signs or structures are proposed within public R/W they will be permitted in accordance with the city code.

(2) *Permitted signs and structures with indemnification agreement.* If the subdivision or neighborhood organization or the developer enters into an agreement that is acceptable to the city attorney indemnifying the city from any liability, the city may permit structures such as walls, permanent planters, or one single- or double-sided street graphic containing a maximum of 32 square feet of sign area per side, to be placed at the entrance(s) and located in the city's right-of-way.

If signs or structures are proposed within public R/W they will be permitted in accordance with the city code.

(3) *Permitted signs with no indemnification agreement.* If the subdivision or neighborhood organization or the developer does not or is unable or unwilling to enter into an indemnification agreement with the city that is acceptable to the city attorney, the city will permit an identification sign on the right-of-way at the entrance(s) to the subdivision pursuant to the conditions found in article IX, division 1, of this chapter and the following additional conditions:

a. One double-sided sign no taller than four feet in height from the ground may be placed in an entrance median. If made of wood, the sign may be no wider than six inches in width, and, if made of masonry, may be one course thick (unreinforced) and no wider than 12 inches, including letters.

b. Alternatively, two single-faced signs equal in size may be placed within the right-of-way on each side of an entranceway. Unless mounted on a wall, each face of the subdivision sign shall be no taller than four feet from the ground.

c. The sign(s), whether located in a median strip or along the side of the entrance street, shall be located at least four feet behind the face of the median curb.

d. Location and materials of the signs must receive approval from the director of public works, city traffic engineer and Gainesville Regional Utilities.

If signs or structures are proposed within public R/W they will be permitted in accordance with the city code.

(h) *Stormwater management required.* A complete stormwater management system, in conformance with article VIII and this chapter, shall be provided in all areas of the subdivision for handling stormwater runoff within or across the subdivision lands.

A stormwater management system has been planned for the development in compliance with the applicable City and SJRWMD regulations.

(i) *Utilities required.*

(1) *Sanitary sewer.* The subdivider shall provide sanitary sewer services to each lot within the subdivision. All sewer lines serving lots within the subdivision shall be installed by the subdivider prior to the paving of the street and should be designed to operate on a gravity flow basis unless otherwise approved by the utility department.

(2) *Water supply.* The subdivider shall install a system of water mains as approved by the utility department and connect the system to the public water supply. The installation of the mains and connection to each lot shall occur prior to paving of the street.

(3) *Water and sewer systems.*

a. New central water and sewer systems where required shall be designed by an engineer in accordance with the regulations of the utilities department, the state department of environmental protection and the county health department, and with standards established in this chapter. Central water and sewer systems shall be designed and constructed for an economic life of not less than 20 years, and the water system shall be designed in accordance with the fire protection requirements provided in chapter 10.

b. Fire hydrants shall be connected to mains no less than six inches in diameter; however, the utilities department may require larger diameter mains for long lines that are not connected to other mains at intervals close enough for proper mutual support.

- c. Sufficient storage or emergency plumbing facilities shall be provided to such an extent that the minimum fire flows will be maintained.

The proposed subdivision will provide all required utilities to each lot in accordance with the design standards outlined by the City and utility provider.

(j) *Screening walls and landscaping.* Screening separating residential lots from abutting FDOT functionally classified arterial streets and from streets designated by the city commission as arterial streets based on their physical design, moderately long trip length, and existing or anticipated traffic characteristics shall be required in the form of low-maintenance walls, dense plant material or planted earth mounds. Such a screen shall be at least six feet in height and shall be completely in place before required improvements for the subdivision are accepted for maintenance. The responsibility for maintenance of the wall, plant material and earthen mounds shall be conveyed to the neighborhood association established for the maintenance of common property within the subdivision or the subdivider may provide a financial mechanism for such purpose, subject to the approval of the city attorney.

Landscape buffers and screening is provided between the two adjacent arterial streets (NW 39th Avenue and NW 53rd Avenue). See the landscape plan for specific details.

(k) *Erosion and sediment control measures.* The city may require the subdivider to utilize grading techniques, subdivision design, landscaping, sedimentation basins, special vegetation cover and other measures to reduce erosion and sediment. The subdivider shall comply with the requirements of article VIII of this chapter and the design manual concerning erosion and sediment control measures.

The subdivision design provides appropriate erosion and sediment control measures.

(l) *Inspection of improvements.*

(1) The director of public works and Gainesville Regional Utilities shall be authorized to inspect required improvements during construction to ensure that the work is in accordance with the approved plans and specifications. If any substantial changes are required in the approved plans or specifications during construction, the changes must be submitted for approval of the director of public works and Gainesville Regional Utilities as applicable.

(2) The subdivider shall retain a reputable recognized commercial laboratory which shall certify all materials and perform and certify all required density, LBR, concrete or other tests as may be required by the city engineer when reasonably necessary to ensure that all improvements are constructed as per approved plans and specifications.

The applicant will comply with the requirements for acceptance of City maintenance requirements.

(m) *Acceptance for maintenance.*

(1) Prior to acceptance for maintenance by the city, the subdivider shall notify the Gainesville Regional Utilities in writing that all required improvements have been completed. Upon receipt of notice from the subdivider, the director of public works and Gainesville Regional Utilities will make an inspection of the construction work. If work is found to be satisfactorily completed, the city will accept the improvements for maintenance. After a period of one year from the time of inspection, the same city departments will make a final inspection, and, if the workmanship and materials are found satisfactory or if all deficiencies due to faulty workmanship or materials are repaired or corrected, the city will then release the subdivider from his bond on the project.

(2) Acceptance for maintenance is intended to mean normal maintenance functions as routinely performed by the city. It shall not include removal of soil accumulations on streets caused by excessive erosion from adjacent lots, either prior to or during building construction within the subdivision. It shall not include damage to any improvements caused by private construction or private utility vehicles within the one-year maintenance period. All decisions regarding abnormal damage or maintenance shall be made by the public works department or Gainesville Regional Utilities, with appeals possible to the city manager.

The applicant will comply with the requirements for acceptance of City maintenance requirements.

Sec. 30-190. Cluster subdivisions.

(a) *Purpose and intent.* The purpose of this section is to establish a process by which environmentally sensitive land and infill sites may be developed for residential purposes without strict adherence to the dimensional requirements of the zoning code of the city. The intent is to encourage better site planning than would normally occur by conventional subdivision procedures. Specifically, the objectives are to better preserve valuable open spaces, environmentally sensitive areas, existing tree cover; to provide for infill development where appropriate; to provide for better utilization of land; to provide for zero lot line development; to promote efficiency through design; and to provide for design flexibility to meet changing market conditions. Such development will be accomplished without an overall increase in density otherwise permitted in the zoning district in which the development is located as determined by the minimum lot size.

The proposed subdivision will be developed as an environmental cluster subdivision in compliance with the applicable requirements of Sec. 30-190.

(b) *Permitted districts; minimum size.* A cluster subdivision may be permitted in any zoning district in which single-family dwellings are allowed as a permitted use and where the parcel to be subdivided has an area of five acres or more.

Project is within parcels larger than 5 acres.

(c) *Approval procedure; design standards; name.*

(1) Cluster developments shall be approved in accordance with the procedures established for design plats and final plats under criteria provided in this article. Further, cluster subdivisions involving attached housing in zoning districts that allow such housing types, shall also secure development plan approval in accordance with article VII. Applications for the approval of cluster subdivisions shall be processed in the same manner as design plats.

(2) Design standards for improvements shall be in accordance with the provisions and regulations of this chapter.

The proposed subdivision will be developed as an environmental cluster subdivision in compliance with the applicable requirements of Sec. 30-190.

(3) The name of a subdivision approved pursuant to this article shall be followed by the words "cluster subdivision" which shall become and be made a part of its official name.

The name of the proposed subdivision included the required wording.

(4) Application for cluster subdivision will be classified as either environmental or infill based on the following criteria:

Environmental --Development site must be located in the Significant Ecological Communities Districts or have at least one or more of the following environmental

features: wetlands, creeks, lakes, significant tree grouping/upland community, sinkholes, and/or endangered plants and animals species.

Infill --Cluster subdivision that provide for infill development where appropriate, provide for better utilization of land, provide for zero lot line development, and/or promote efficiency through design.

The proposed subdivision will be developed as an Environmental Cluster subdivision.

(d) *Dwelling types permitted.* Except in the RSF-1, RSF-2, RSF-3 and RSF-4 zoning districts, all types of attached and detached single-family residential dwellings may be permitted in a cluster subdivision. In the RSF-1, RSF-2, RSF-3 and RSF-4 districts only single-family detached dwellings will be permitted in a cluster subdivision. Within cluster subdivisions, a variety of lot sizes and architectural typologies shall be encouraged.

The subject property contains RSF-1 & RSF-4 zoning designations. The subdivision will contain single family detached units with a variety of lot sizes that will have zero lot line setbacks.

(e) *Modification of street, yard and lot requirements.* Modifications and variations to the lot area, lot width and depth, minimum yard setback, street width and layout requirements of the applicable zone may be permitted if shown on the design plat and such plat is approved by the city commission. Each cluster subdivision may use zero lot line, regular lots or a combination of the two. However, each lot in a cluster subdivision which directly abuts developed property not in a cluster subdivision shall not:

(1) Have an abutting side or rear yard which is less than that required for the abutting property; and

Not applicable – not abutting any residential development.

(2) Have a lot width, which is less than 75 percent of the minimum lot width required in the zoning district for the abutting property.

Not applicable - not abutting residential development.

The provisions of subsections (1) and (2) above may be waived if the subdivision provides a 35-foot buffer around the subdivision to which no variance will be permitted.

No cluster subdivision of 50 acres or less shall have lot sizes that are less than the following for single family districts:

RSF-1 (8,500 square feet minus 25 percent) 6,375 square feet

RSF-2 (7,500 square feet minus 25 percent) 5,625 square feet

RSF-3 (6,000 square feet minus 25 percent) 4,500 square feet

RSF-4 (4,300 square feet minus 25 percent) 3,225 square feet

Not applicable – not abutting residential development.

(f) *Number of dwelling units permitted.* The total number of dwellings permitted in a cluster subdivision shall not exceed the number of dwelling units, which would have been otherwise permitted by the density standards in the zoning district in which it is located. In the RSF-1, RSF-2, RSF-3, RSF-4, RMF-5 and RC district categories, the permitted number of dwelling units may be calculated by dividing the total land area of the cluster subdivision by the minimum lot size required for the applicable zoning district. The number of dwelling units shall not exceed the density allowed by the zoning district.

The maximum density allowed by right in the existing zoning districts has not been exceeded.

(g) *Cluster open space requirement.*

(1) Each cluster subdivision that reduces lot sizes below the minimum area required by the zoning district in which it is located shall provide cluster open space to be preserved and maintained for its scenic value, for recreational or conservation purposes and other related uses. This space shall be clearly indicated on the plat by the use of the words "cluster open space." The minimum amount of land to be designated as cluster open space shall be equivalent to 75 percent of the total amount of area by which each lot was reduced below the minimum lot size required in the zoning district plus any required wetland, creeks and associated buffer acreage in which the subdivision is located. Cluster open space is not required unless lot sizes are reduced below the minimum area required in a zoning district.

The proposed environmental cluster subdivision provides a design that takes into account the environmentally sensitive areas that should be conserved. A large majority of the cluster open space area consists of upland area that is located adjacent to wetlands, creeks and associated buffers to provide an enhanced protection for these environmentally sensitive areas. In addition a proposed greenway will provide pedestrian and bicycle trails that are located adjacent to many of these scenic areas. The subdivision does provide for 75% of the reduced lot area as required (see attachment Cluster Open Space)

(2) Land area devoted to public or private vehicular streets and sidewalks, rights-of-way and drainage structures shall not be included towards meeting cluster open space requirements except when such land is being jointly used for a greenway corridor as specified by subsection 30-187(o). For the purposes of this section "drainage structures" shall be defined as culverts, storm drains and stormwater retention or detention ponds. Fifty percent of drainage facilities (unfenced) that utilize existing topography, have side slopes that are stabilized by plantings, provide a recreational or aesthetic amenity, provide environmental quality and ecological value, and utilize native plants to create an aquatic or a temporary aquatic type of ecosystem to the development, may be included towards meeting cluster open space requirements. Unless otherwise restricted, cluster open space may contain accessory structures and improvements necessary for the educational, cultural, recreational or social enjoyment of the residents or citizens plus any necessary utility services. The appropriateness of accessory structures will be reviewed and considered in terms of their enhancement of the cluster open space, the purposes as provided in subsection (a) of this section, and the criteria as provided in subsection 30-190(i). Accessory structures may be approved during the design plat review process, or during the development plan review process subject to the provisions of this section and the provisions of article VII. Accessory structures are prohibited within wetlands, creeks, lakes and associated buffers.

No wetland or non-upland areas or streets are included in the proposed cluster open space area. A portion of the drainage structures that area adjacent to the proposed greenway are included in the cluster open space area. These 'drainage structures' are unfenced dry basins, which utilize existing topography and have plantings providing a recreational and aesthetic amenity for the development, especially to the abutting greenway. A proposed community recreation area is proposed.

(3) Environmentally significant features such as but not limited to, creeks, creek setback buffers, wetland, wetland setback buffers, flood channels, floodplain areas, major tree groupings and individual trees of significant size must be designated as cluster open

space. Notwithstanding any contrary language contained in section 30-301 or other city regulations, all wetlands mitigation for a cluster subdivision must be done on site. In addition to the required open space for lot reduction, wetlands, creeks and buffers will also be designated as cluster open space. Wetland mitigation will be done within the limits of the design plan.

(4) The cluster subdivision shall strive to protect healthy heritage trees. The restrictive covenants for the cluster subdivision shall require that homes and other improvements are designed to protect the trees.

General layout of the proposed project minimizes the impact of the existing trees. Attached is a summary of the site visit by the Landscape Architect.

(h) *Ownership of cluster open space.*

(1) *Public ownership.* Cluster open space may be conveyed to the city unless the city commission finds that the size, location, nature and type of development, or fiscal impact (i.e., the cost and maintenance of development or open space) would make public use undesirable or unnecessary. Such conveyance shall be by statutory warranty deed free and clear of all liens and encumbrances, and shall take place on or before the recordation of the subdivision plat. In some instances, the city commission may authorize the conveyance of the cluster open space by a conservation easement as provided in F.S. § 704.06, when the nature and character of the cluster open space is suitable for such easement. Where the cluster subdivision encompasses lands designated for greenways or other forms of public ownership or access under the recreation; conservation, open space and groundwater recharge; and stormwater management elements of the comprehensive plan, the city may require dedication of such areas to the city as specified by subsection 30-187(o).

These areas should be designated on the plans and will be dedicated to the City.

(2) *Private ownership.* Where open space is not dedicated to the city or public use, it shall be protected by legal arrangements satisfactory to the city attorney sufficient to assure its maintenance and preservation for the purpose(s) intended. Covenants or other legal agreements shall specify, at a minimum, the ownership of the cluster open space, method of maintenance, maintenance of taxes and insurance, compulsory membership and assessment provisions; guarantees that any homeowners' association formed to own and maintain cluster open space will not be dissolved without the consent of the city; and any other provisions deemed necessary by the city attorney to meet the requirements of this section.

Any open space not dedicated to the City shall be protected by covenants or related legal document.

(i) *Criteria for review of cluster subdivisions.* A cluster subdivision shall provide for better utilization of land and for a total environment, which is improved over that which could be achieved under standard regulations. The applicant must present evidence that the proposed cluster subdivision utilizes the land better than a standard subdivision. If the city commission finds that a subdivision will be improved by the reasonable modification of the location, design or configuration of open space, building lots, streets and parking areas, the subdivision will be modified or denied. The following criteria shall guide the city in review of the proposed subdivision and in making any modifications thereof:



Buford Davis + Associates
landscape architects site planners

February 4, 2009

Mr. Sergio Reyes, P.E.
Eng Denman & Associates
2404 NW 43rd Street
Gainesville, FL 32606

Site Visit Report

Project: Hatchet Creek Subdivision

Location: NE 39th Avenue

Site Area: 427.97 acres

Attendees: Earline Luhrman/City of Gainesville Urban Forester
Dänika Randolph/Buford Davis + Associates

Description of Site, Trees & Native Vegetation

The project site is intertwined with the existing Ironwood Golf Course—the majority of the project site lies between two “fingers” of golf course greens on the west and east. The site stretches from NE 39th Avenue on the south side to NE 53rd Avenue on the north side. There are man-made ditches, created some time ago, that criss-cross the site, and existing wetland areas interspersed throughout. The vast majority of the tree species are Pine, Water Oak, Laurel Oak, Sweetgum, and Cypress, with occasional Holly, Bay, Cherry, Magnolia and Maple also observed. Understory and ground plane consists of Saw Palmetto, Wax Myrtle, and other shrubs and grasses. The trees onsite are all relatively small-caliper—during the site visit no Heritage trees were observed. In addition to the obvious signs of development, such as the utility corridor/cart path running north/south, the man-made ditches, and the golf course greens, the consistency of small caliper sizes and mix of species appear to indicate that currently undeveloped areas of the site may have been disturbed in the past.



(1) Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural site features and topography. A minimum of 50 percent of all heritage trees must be protected.

As indicated in the application, the proposed lot locations are clustered away from the most sensitive environmental features on the property.

(2) Individual lots, buildings and other structures shall be arranged and situated to relate to surrounding properties and to improve the view from, and the view of, buildings, lots and structures.

The individual lots area situated in an efficient manner that provides pedestrian amenities and short block lengths. Many of the lots are abutting common open space area which allow for an increased aesthetic environment.

(3) Individual lots, buildings, streets and parking areas, and any accessory structures and improvements located in the cluster open space, shall be situated to avoid the adverse effects of shadows, noise and traffic on the residents of the site and to minimize the area devoted to motor vehicles.

The proposed subdivision layout provides for each lot to be fronting on a local street and buffer areas between any lot and collector or arterial roadway. These design features reduce any impact from noise, traffic, etc.

(4) Cluster open space shall include any irreplaceable natural features located on the tract such as, but not limited to, stream beds and adjacent banks, wetlands, flood channels, floodplain areas, major tree groupings and individual trees of significant size.

The most sensitive environmental features (wetlands, creeks, etc.) as evaluated by an environmental consultant have been placed in cluster open space area.

(5) The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the open space. Further, such space intended for recreation or public use shall be easily accessible to trail users including the elderly and handicapped, be integrated to form unbroken trail linkages between uses within the subdivision, and take advantage of opportunities to establish off-site linkages to nearby land uses, bikeways, sidewalks and greenways.

The proposed subdivision provides cluster open space that meets these design requirements. The development will include a greenway which includes a multi-use trail that connects to the local street/sidewalk network and allows for recreational enjoyment of the natural areas.

(6) To the extent practical, lands designated for greenways or other forms of public ownership or access in the conservation, open space or recreation element shall be included as cluster open space and dedicated as specified by subsection 30-187(o).

The proposed greenway areas area designed in accordance with the code regulations and shall be dedicated.

(7) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between the development and the land. Garage doors if forward facing must be set back at least 20 feet from the back of sidewalk and shall not be forward of the front facade of the building. Sidewalks must be included on both sides of the street internal to the cluster subdivision.

The proposed subdivision incorporates an organic design that is sensitive to the environmental features on the site. The project will allow for the coexistence of residential units with these natural features. In addition, a greenway network allows for interconnectivity between lots, public streets and many of the natural areas on the property. The proposed setback of the lots is 20 ft. Sidewalks shall also be provided along both sides of all internal streets.

(8) To the extent practical, cluster open space shall contain designated surface water or upland environmental features.

Many of these areas are included in the cluster open space area to the greatest extent practical.

(9) When lots abut wetlands or buffer areas, the property owner shall provide a ten-foot building construction setback from those areas for a construction work area, so that wetlands and buffer areas are not disturbed during any construction process.

This requirement will be included at the construction stage of the project.

Sec. 30-51. Single-family residential districts (RSF-1, RSF-2, RSF-3 and RSF-4).

(a) *Purpose.* The single-family districts are established for the purpose of providing areas for low density single-family residential development with full urban services at locations convenient to urban facilities, neighborhood convenience centers, neighborhood shopping centers and activity centers. These districts are characterized by single-family residential structures designed and located so as to protect the character of single-family residential neighborhoods.

(b) *Objectives.* The provisions of these districts are designed to:

- (1) Protect and stabilize the essential characteristics of such existing development;
- (2) Encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development;
- (3) Enable single-family development to occur at appropriate locations and with sufficient density so as to facilitate the provision of urban services and facilities in an economical and efficient manner;
- (4) Encourage low density development where higher density development would be detrimental to the health, safety and welfare of the community by reason of environmental constraints, open space or other factors; and
- (5) Discourage any activities not compatible with such residential development.

The proposed subdivision is within the density range outlined in the existing RSF-1 and RSF-4 zoning districts. The project is located within the urban service area and all necessary utilities are available to serve the site. The subdivision shall serve as a compatible and complimentary use to the Ironwood Golf Course.

(c) *Permitted uses.*

(1) *Uses by right.*

- a. Single-family dwellings and customary accessory buildings incidental thereto.
- b. Occupancy of a single-family dwelling by one family.
- c. Community residential homes, in accordance with article VI.
- d. Family child care homes, in accordance with state law.
- e. Adult day care homes, in accordance with article VI.

- f. Home occupations, in accordance with article IV.
- g. Large family child care homes, in accordance with article VI.

The project is a single family subdivision which is a permitted use by right on RSF-1 and RSF-4 zoning districts.

(2) *Uses by special use permit.*

- a. Places of religious assembly, in accordance with article VI.
- b. Private schools, in accordance with article VI.
- c. Public schools, other than institutions of higher learning, in accordance with section 30-77, educational services district (ED).

Not applicable.

(d) *General requirements.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-56 and article IX.

So noted. See applicant's responses to Section 30-56.

(e) *Dimensional requirements.* (See Table 1):

TABLE 1. DIMENSIONAL REQUIREMENTS FOR RSF DISTRICTS
Principal Structures

TABLE INSET:

	RSF-1	Proposed Cluster	RSF-4	Proposed Cluster
Maximum density	3.5 du/a	717 u / 278.6 ac = 2.6 du/ac	8 du/a	27 u/12.3 ac = 2.2 du/ac
Minimum lot area	8,500 sq. ft.	3,000 sq. ft.	4,300 sq. ft.	3,000 sq. ft.
Minimum lot width at minimum front yard setback	85 ft.	30 ft.*	50 ft.	30 ft.*
Minimum lot depth	90 ft.	80 ft.*	80 ft.	75 ft.*
Minimum yard setbacks:				
Front	20 ft.	20 ft.*	20 ft.	20 ft.*
Side (interior)	7.5 ft.	0 ft.*	7.5 ft.	0 ft.*
Side (street)	10 ft.	15 ft.*	7.5 ft.	15 ft.*
Rear	20 ft.	15 ft.*	10 ft.	15 ft.*
Maximum building height	35 ft.	35 ft.	35 ft.	35 ft.

*Note: The cluster ordinance allows for reduction in lot size, width, depth and setbacks.

Accessory Structures¹, Excluding Fences and Walls

TABLE INSET:

Minimum front and side yard setbacks	Same requirements are for the principal structure.
Minimum yard setback, rear ²	7.5 ft.
Maximum building height	25 ft.
Transmitter towers ³	80 ft.

1. Accessory screened enclosure structures whether or not attached to the principal structure may be erected in the rear yard as long as the enclosure has a minimum yard setback of three feet from the rear property line. The maximum height of the enclosure at the setback line shall not exceed eight feet. The roof and all sides of the enclosure not attached to the principal structure must be made of screening material.

2. One pre-engineered or pre-manufactured structure of 100 square feet or less may be erected in the rear and side yards as long as the structure has a minimum yard setback of three feet from the rear or side property lines, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall which is at least 75 percent opaque.

3. In accordance with article VI.

Any accessory structures shall comply with these regulations.

Sec. 30-56. General provisions for residential districts.

(a) *Use of residentially zoned property for access.* No residentially zoned (except RH-2) land shall be used for driveway, walkway or access purposes to any land which is nonresidentially zoned or which is used for any purpose not permitted in a residential district or which is shown on the future land use map of the comprehensive plan for solely nonresidential use, except for ingress and egress to a use existing on October 26, 1981, on land which does not abut a public street.

Not applicable.

(b) *Parking, storing or keeping of recreational vehicles.* The following regulations shall apply in all residential districts to the parking, storage or keeping of recreational vehicles:

(1) Parking is permitted inside any enclosed structure which complies with the dimensional requirements of the particular district.

(2) Parking is permitted outside any structure in the side or rear yard, provided the vehicle is a minimum of two feet from the lot line.

(3) Parking is permitted outside any structure in the front yard, provided:

a. Space is not available in the rear or side yard and no structure for storage is available or there is no access to either the side yard or rear yard.

b. The vehicle must be parked perpendicular to the front property line. No part of the vehicle may extend over a public sidewalk, bikepath or street.

Any parking, storing or keeping of recreational vehicles shall comply with these standards.

(c) *Parking, storing or keeping of other vehicles.* Except as provided for in article VI concerning recreational vehicles, the following regulations shall apply to all residential zoning districts:

(1) Parking for any vehicle is permitted inside any enclosed structure which complies with the dimensional requirements of the particular zoning district.

(2) Parking shall not be allowed outside of an enclosed structure for any vehicle in excess of 10,000 pounds gross vehicle weight (manufacturer's capacity rating).

(3) Any vehicle containing a vehicle sign, as defined in article IX, shall be stored in either an enclosed building or a location which would shield view of such advertising from the street.

(4) *Off-street parking regulations in the context area and in any residential parking overlay district.* The regulations and provisions of this section apply to any property that is in an RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning district, or that contains single family or two-family dwellings on property zoned planned development (PD), and is located within either the context area or a residential parking overlay district area as provided in section 30-56.1 of this Code. In these areas, off street parking shall be limited to the driveway parking area meeting the dimensional requirements below and leading from the permitted driveway connection to the enclosed parking space (garage or carport), plus two pullout spaces as described below. If there is no garage or carport, the driveway parking area must meet the dimensional requirements below and be able to provide parking and ingress or egress of vehicles.

a. The maximum width of the driveway parking area is the greater of 18 feet or the maximum width of the enclosed parking space.

So noted.

b. Pullout spaces can be no more than nine feet wide and 16 feet long; must be covered with pavement, gravel, wood chips, bark mulch, or other erosion-preventing material clearly defining the pullout spaces; and must be contiguous to the driveway parking area.

So noted.

c. Notwithstanding subsections a. and b., no more than 40 percent of front open space may be devoted to driveway parking area and pullout spaces.

So noted.

d. Circular driveway parking areas meeting the above dimensional requirements are permitted provided the necessary driveway connections are provided; however only one pullout space is allowed with a circular driveway parking area.

So noted.

e. Access to all driveway parking areas must be from an approved or existing legal driveway connection.

So noted.

f. All unpaved driveway parking areas and pullout spaces must be covered with gravel, wood chips, bark mulch, or other erosion-preventing material clearly defining the driveway parking area, and have side borders of plants, pressure treated landscape timbers, railroad ties, pressure treated wood, composite "plastic wood", brick, concrete or similar border materials.

All driveway parking areas shall be paved.

1. *Erosion preventing material.*

(a) Where bark mulch or wood chips are used, they shall cover the entire surface of the driveway parking area and pullout spaces with a layer that is at least two inches thick. They shall be distributed evenly within the borders and shall be free of bare spots and vegetation. Other types of mulch may be used only after approval from the city manager or designee.

Not applicable.

(b) Where gravel is used, it shall cover the entire surface of the driveway parking area and pullout spaces with a layer that is at least one inch thick. The gravel shall be evenly distributed within the borders and shall be free of bare spots and vegetation. The material used for a gravel parking area and/or pullout space shall be rock or crushed stone, shall not be more than 1 1/2 inches in diameter, and shall not contain dirt, sticks, construction debris or other foreign material. Sand, rock powder, or other similar material less than one-eighth inch in diameter may be used as a base, but shall not be included when measuring the gravel thickness.

Not applicable.

(c) Leaves, pine needles, grass clippings, canvas, plastic sheets, poly sheets, or other similar rolled sheeting shall not be used as an erosion preventing material.

Not applicable.

(d) The erosion preventing material shall be clearly stated on the submitted parking plan and approved by the city manager or designee prior to its use.

Not applicable.

2. *Borders.*

(a) Plant borders shall be a one-gallon minimum size at the time of planting, spaced no greater than 36 inches apart. Plants shall be a minimum of 12 inches high when planted and shall be maintained at no less than 12 inches high.

(b) Wood borders shall be pressure treated or be treated to prevent the decomposition of the wood when the wood is applied to the ground surface. The minimum size of any wood borders or composite plastic wood borders shall be 3 1/2 inches wide by 3 1/2 inches high and shall be continuous around the border. Multiple pieces can be stacked to achieve the required size. Where railroad ties are used, the ties shall be structurally sound and fully intact and shall be continuous around the border. All wood borders or composite plastic wood borders must be affixed to the ground by driving a metal stake through the wood/plastic into the ground. At least two stakes must be driven into each wood or composite plastic wood border segment. The distance between stakes shall not be more than four feet. The metal stake must be a minimum of three-eighths of an inch in diameter and driven a minimum of 12 inches below the ground surface. The metal stake must be driven flush with the surface of the wood/plastic.

(c) Brick curbing shall be set in a mortar base and shall be a minimum of 3 1/2 inches wide by 3 1/2 inches high. Concrete curbing may be pre-cast, formed or machine extruded and shall be a minimum of six inches wide by six inches high and consist of a concrete mix with a minimum strength of 3,000 pounds per square

inch. Brick and concrete curbing shall be continuous around the border. Pre-cast concrete curbing must be affixed to the ground by driving a metal stake through the curbing into the ground. At least two stakes must be driven into each piece of pre-cast concrete. The distance between stakes shall not be more than four feet. The metal stake must be a minimum of three-eighths of an inch in diameter and driven a minimum of 12 inches below the ground surface. The metal stake must be driven flush with the surface of the curbing.

(d) Other borders may be used only after approval of the city manager or designee. All parking plans shall include a full description, including specifications, of the proposed border.

So noted.

g. *Effective dates.*

1. *Property in context area as of March 15, 2004.* All driveway parking areas that are lawfully in existence as of March 15, 2004, must comply with the requirements then in effect. Subsequently, all driveway parking areas must be brought into compliance with the requirements of this section on or before April 1, 2005, or prior to the city's issuance of any landlord permit in the year 2004, whichever comes earlier, unless otherwise provided herein.

Not applicable.

2. *Property in context area as of September 11, 2006.* All driveway parking areas that are lawfully in existence as of September 11, 2006, must comply with the requirements then in effect. Subsequently, all new or additional driveway parking areas within the University of Florida Campus Master Plan 2005-2015 Context Area must be brought into compliance with the requirements of this section on or before April 1, 2007, or prior to the city's issuance of any landlord permit in the year 2007, whichever comes earlier, unless otherwise provided herein.

Not applicable.

3. *Property in residential parking overlay district.* All driveway parking areas within a residential parking overlay district shall comply with the provisions of section 30-56(c)(4) within 90 days of the effective date of the ordinance requiring and imposing the overlay district, or at such other time period as is prescribed in said ordinance.

Not applicable.

h. Off-street parking on other areas of property regulated by this subsection will be allowed on the day of major university related events as determined by the city manager or designee, such as University of Florida commencement programs and University of Florida home football games.

Not applicable.

i. The city manager or designee may exempt a property from the driveway parking area limitations if all of the following conditions are found:

1. The driveway parking area is clearly defined.
2. The driveway parking area is maintained in a safe, sanitary and neat condition.
3. The driveway parking area does not contribute to soil erosion.

4. The requirements of this section would impose an inordinate burden on the landowner due to topographical road configuration constraints or other significant design constraints.

Not applicable.

j. Each owner of property regulated by this subsection must provide a parking plan showing the driveway parking areas and any pullout spaces. This plan shall be submitted as part of an application for a landlord permit. For residential properties that do not require landlord permits, the parking plan must be submitted upon request of the city manager or designee within 30 days of receiving a written request for a parking plan from the city manager or designee. Within 45 days of the city manager or designee's approval of the new parking plan, the new plan shall be implemented and the parking area and any pullout spaces shall be constructed in the manner in this approved parking plan. When the new plan is implemented, the city manager or designee shall inspect the parking area and any pullout spaces for compliance.

Not applicable.

k. No driveway parking area regulated by this subsection may be leased, rented or otherwise provided for consideration to someone not residing on the property except as provided in paragraph h. above.

Not applicable.

l. If a property is found by the city manager or designee to not be in compliance with one or more of the provisions of the existing parking plan for that property, as approved by the city manager or designee, the owner of that property may be required to submit to the city manager or designee a new, modified parking plan which is in compliance with the requirements of this section. This modified parking plan for the non-compliant property must be received by the city manager or designee within 30 days of the owner's receipt of a written request for the new parking plan. Within 45 days of the city manager or designee's approval of the new parking plan, the new plan shall be implemented and the parking area and any pullout spaces shall be constructed in the manner in this approved parking plan. When the new plan is implemented, the city manager or designee shall inspect the parking area and any pullout spaces for compliance.

Not applicable.

m. Where applicable, this plan shall be submitted as part of an application for a landlord permit and shall be approved by the city manager or designee prior to the issuance of a landlord permit. In all cases, each owner of property zoned RC, RSF-1, RSF-2, RSF-3, or RSF-4 zoning district, or that contains single family or two-family dwellings on property zoned planned development (PD), which is within the context area, must provide the city manager or designee with an updated parking plan showing the driveway parking areas and any pullout spaces no later than April 1, 2007, or in conjunction with the landlord permit application, whichever date comes earlier.

Not applicable.

(d) *Distance from dwelling unit entrance to access road or driveway.* No entrance to a dwelling unit in an RMF-5, RMF-6, RMF-7, RMF-8, RH-1 or RH-2 district shall be closer to any access road or driveway than 15 feet.

Not applicable.

(e) *Development plan approval.* Prior to the issuance of any building permit for any residential development which includes two or more principal structures on a single lot, or which includes five or more dwelling units, or which is at a development intensity greater than that permitted by right, development plan approval must be obtained from the development review board in accordance with the requirements of article VII.

Not applicable.

(f) *Additional regulations.* The requirements of articles VII, VIII and IX shall apply to residential districts as specified therein.

(g) *Supplemental dimensional requirements.*

(1) Lots within RSF-1, RSF-2, RSF-3 and RSF-4 districts, which have a rear or front lot line abutting on collector or arterial streets, shall have a minimum depth of 150 feet with a minimum building setback line established at a distance of 50 feet from the collector or arterial street right-of-way line.

No proposed lots abut a collector or arterial street. A 10-foot buffer is located between lots and adjacent collector and arterial streets.

(2) Corner lots within all residential districts shall be at least ten feet greater in width than the minimum established for the zoning district, except RSF-1 where the minimum width established in the zoning ordinance exceeds 95 feet.

All corner lots in the proposed development are at least 10 feet wider than the proposed minimum lot width proposed in the cluster subdivision.

(h) *Flood control.* Prior to the issuance of a building permit in any residential district, the provisions of the flood control district, article VIII, shall be complied with where applicable. See applicant's response to Article VIII.

(i) *Minor improvements providing access for handicapped residents.* Minor improvements, such as ramps and landings, that are intended to provide access for a handicapped resident shall be permitted by right within the required yard of any existing single-family dwelling, two-family dwelling and three-family dwelling.

So noted.

(j) *Additional requirements for new medium and high density multi-family developments when abutting properties designated single family on the future land use map.* All new multi-family projects being developed under the regulations for the RMF-6, RMF-7, RMF-8, RH-1, and RH-2 zoning districts shall comply with the following regulations when abutting single-family designated properties.

Subsections (j)1-9 are not applicable.

(k) *Additional requirements for new medium and high density multi-family developments when there is PS or CON zoning intervening between properties designated single family on the future land use map.* All new multi-family projects being developed under the regulations for the RMF-6, RMF-7, RMF-8, RH-1, and RH-2 zoning districts shall comply with the following regulations when separated from single-family designated properties by intervening PS or CON zoning.

Subsections (k)1-3 are not applicable.

Sec. 30-338. General lot and building requirements.

The following lot and building requirements shall apply in all zoning districts:

(1) *Frontage on right-of-way.*

a. *Minimum property frontage.* In all districts except Planned Development District (PD), no building or structure, except as hereinafter provided, shall be erected on a lot or parcel of land which does not physically abut a public or approved private street for the required minimum lot width of the district where the same is located. The city manager or designee may designate a private street as an "approved private street" provided it meets one of the following standards:

1. A perpetual ingress/egress easement recorded in the public records of Alachua County that provides legal access to the lot or parcel of land from a dedicated road or right-of-way and which is deemed capable of carrying public safety vehicles; or
2. Property owned jointly or in common by all property owners fronting the private street as shown in the public records of Alachua County that connects to a dedicated road or right-of-way and which is deemed capable of carrying public safety vehicles.

For the purposes of this section, two classes of approved private streets shall be designated by the city manager or designee:

1. Existing private streets which were constructed prior to September 26, 1994; and
2. New private streets which are approved for construction after September 26, 1994.

Not applicable.

The city manager or designee shall have the authority to approve or disapprove, for the purposes of erection of buildings or structures, private streets which existed prior to September 26, 1994. All private streets approved for construction after September 26, 1994 must meet the construction standards for public streets as shown in the Public Works Design Manual, except in the PD district. In PD districts, the geometric construction standards may be varied as set forth in the planned development ordinance.

In zoning districts in which there is no minimum lot width requirement, the lot or parcel of land must abut a public or approved private street for the maximum driveway width dimension requirement [as provided in section 30-336(8)] plus any required turning radii area.

Notwithstanding any provision of this section to the contrary, a single-family dwelling, if it is an allowable use in the district, may be erected on a lot or parcel of land which abuts at least one public or approved private street for at least 25 feet, provided that the minimum lot width for the district in which it is located is met at the required front yard setback line. Provided, further, that any single-family dwelling existing on a lot which does not conform to the provisions of this subsection (1)a of this section may be modified, enlarged or extended, and/or an accessory building or structure may be added to a single-family dwelling, provided that such modification, enlargement, extension or addition complies with all the other requirements of the district in which the lot is located.

b. *Special exception for single-family dwelling.* The board of adjustment may authorize by special exception the issuance of a building permit for a single-family dwelling on a lot that does not meet the minimum property frontage requirements of subsection (1)a. of this section, provided all of the following conditions are met:

1. The owner of the subject lot does not own adjoining land which, when added to the subject lot or dedicated as a public street, would satisfy the minimum requirements of subsection (1)a. of this section;
2. A single-family dwelling is a permitted use in the district in which the lot is located;
3. The dimensional requirements of the district are met;
4. Adequate physical access for all motor vehicles (including emergency vehicles) is provided either by an ingress/egress easement or private street; and
5. The board of adjustment finds that such a building will not create any condition detrimental to the safety, convenience and quiet possession of surrounding properties and uses.

In granting the special exception, the board of adjustment may request the property owner to dedicate property for future street right-of-way purposes as may be recommended by the traffic engineering department.

Lot of record meet the minimum road frontage required by this code.

(2) *Minimum setbacks from centerlines of all streets.*

- a. Every required minimum front yard setback line shall be established by a line parallel to the centerline of the street right-of-way at the distance listed in this subsection, measured from the street right-of-way line or the distance from the street centerline listed in subsection (2)b. of this section. For the purpose of determining street classifications, the official roadway map shall be used.
- b. If the actual street right-of-way line is closer to the street centerline than the following distances, the setback shall be measured from a line parallel to the street centerline located the following distances from the centerline:
 1. Highways and arterials: 50 feet.
 2. Thoroughfares and collectors: 40 feet.
 3. Minor collectors: 35 feet.
 4. All other streets: 25 feet.

The proposed layout meets the minimum required distances.

(3) *Overhanging and protruding projections.*

- a. Every part of a required yard or court shall open from its lowest point to the sky, unobstructed except for the customary projection of sills, belt courses, cornices, ornamental features and eaves; provided, however, that none of the above projections shall extend into a required yard more than 36 inches; and further provided that none of the above projections shall extend over any public right-of-way, except in the MU-1, MU-2, CCD and BUS zoning districts. Enclosed fire escapes, outside stairways, balconies, chimneys, flues or other projections shall not extend into any required yard. Open fire escapes may project as much as three feet into a required yard.
- b. Within the MU-1, MU-2, CCD and BUS districts, structural or ornamental features may project not more than six inches over the public right-of-way line, provided that no projection shall extend beyond a vertical projection of the property line between the sidewalk or ground level and nine feet above such sidewalk or ground. Additionally, bay windows, porches, balconies and/or fire escapes (the "projection") may project not more than three feet over the public right-of-way line provided all of the following conditions are met:
 1. The projection maintains a clear height above the sidewalk or ground level of the right-of-way of at least nine feet;
 2. The projection does not encroach upon the vision triangle as provided for in Article IX;

3. The projection is at least four feet from an imaginary line drawn perpendicular to the face of the nearest curb;
4. The person requesting the projection has received the written approval of the city and Gainesville regional utilities as regards the development plan; and
5. The person requesting the projection has received the written approval of the city traffic engineer and public works department, the traffic engineer of the county or designee, the state department of transportation, and any other governmental agency having jurisdiction over the projection, as applicable.

c. In any non-residential zoning district, marquees, canopies, or awnings may extend out 2/3 of the way between the face of a building and the curb, provided all of the following conditions are met:

1. There must be a sidewalk in front of a portion of the building where the marquee, canopy or awning is to be placed.
2. The outside edge of the marquee, canopy or awning must be at least two feet from an imaginary line drawn perpendicular to the curb.
3. The marquee, canopy or awning must maintain a clear height above the sidewalk of at least nine feet. No support for the marquee, canopy or awning may extend below this clear height.
4. The person requesting the marquee, canopy or awning must receive written approval from both the city as regards and Gainesville regional utilities as regards the site plan.
5. The person requesting the marquee, canopy or awning must receive written approval from the city traffic engineer and public works department, or, if the right-of-way is not city-owned from the government entity with jurisdiction over the right-of-way.
6. The marquee, canopy or awning must not encroach into the vision triangle as provided by Article IX.
7. The property owner shall be responsible for removing the marquee, canopy or awning at the property owner's expense upon notice that a road or right-of-way project requires it to be removed. If the property owner does not remove it, the governmental agency with jurisdiction over the right-of-way shall remove it and bill the property owner for the cost of removal.
8. If the right-of-way belongs to the city, the property owner shall enter into a license agreement with the city indemnifying and holding harmless the city, its officers, agents, and employees, from any property damage, including loss, and any personal injury, including death, caused in any way by the projection of the marquee, canopy or awning over the right-of-way, and containing such other provisions as deemed necessary by the city attorney to protect the interests of the city. The license agreement shall be for a period of one year, and shall be renewable from year-to-year provided the marquee, canopy or awning is maintained in good condition and meets the standards set forth in this section.

Not applicable.

(4) *Exceptions to height limits.* Place of religious assembly spires, chimneys, water towers, transmitter towers, smoke stacks, flagpoles, monuments, television antennas and similar structures and their necessary mechanical appurtenances may, where permitted, be erected above the height limits established in this chapter; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the airport zoning ordinance in section 3-166 et seq.

No exception to height limits are requested..

(5) *Standard minimum distance between buildings.*

(a) *Definition.* As used in this subsection, "building separation" shall mean the physical distance that buildings on the same lot or parcel are set apart from each other.

(b) *Single-family residential districts and other districts allowing single-family development.* In a single-family residential district, as defined in section 30-51, there shall be no minimum separation between principal single-family buildings or between principal single-family buildings and accessory buildings, except as required by the standard building code. In all other zoning districts, there shall be no minimum separation between principal single-family buildings or between principal single-family buildings and accessory buildings, except as required by the standard building code.

Proposed design plat meets the minimum distances.

(c) *Other zoning districts allowing residential units.* In zoning districts not covered by paragraph (b) above but allowing residential units, there shall be a building separation of 15 feet between any two single-story principal buildings, 20 feet between any two-story principal building and a single-story or two-story principal building, and 30 feet between a principal building greater than two stories and any other principal building. There shall be no minimum building separation between the two non-residential principal buildings except as required by the standard building code.

Proposed design plat meets the minimum distances.

(d) *Other districts.* In all zoning districts not covered by paragraphs (b) and (c) above, there shall be no minimum building separation between two principal buildings, a principal building and an accessory building, and two accessory buildings, except as required by the standard building code.

Proposed design plat meets the minimum distances.

(e) *Reduction in minimum building separation.*

1. Except as may be required by the standard building code, the appropriate reviewing board may grant a reduction in minimum building separation during the development plan review. When determining whether it will grant the reduction, the board shall consider the following criteria:

- a. The required minimum building separation would not allow implementation of the densities allowed on the land.
- b. The buildings are oriented so that the shortest edge of one building lies in a plan [plane] that is parallel to the plane of the longest side of the other building.
- c. The buildings are designed and oriented so that they
 - i) allow space for outdoor uses customarily related to day-to-day residential activities;
 - ii) allow reasonable exposure to light and air circulation;
 - iii) will not result in sound resonating that would be a nuisance to residents;
 - iv) there is a view of the sky from all directions;
 - v) do not interfere with the reasonable security and privacy interests of residents.

2. If development review is not required, a petition for a variance to reduce the minimum building separation may be submitted to the board of adjustment. The board of adjustment may grant the variance upon the same criteria as stated in paragraph (e) above.

Proposed design plat meets the minimum distances.

(6) *Sidewalks.*

a. *Intent.* The intent of this section is to enable pedestrian activity throughout the city, especially as a means to promote pedestrian and bus trips, pedestrian safety and accessibility. Sidewalks are required in conjunction with development orders in every zoning district except zoning districts which implement the industrial land use category or as otherwise provided herein. This shall apply to all development orders issued after September 11, 2000, in every zoning district (except as otherwise provided herein), and on any parcel or lot where a roadway is existing adjacent to the proposed development or where there is a reasonable likelihood of mass transit service or a pedestrian need for sidewalks. Sidewalk(s) are required on all public and private streets, on both sides, except as specifically excluded or modified by this section.

b. *General requirements.* Where sidewalks are continuous, except for isolated lots or plots, in connection with the issuance of building permits, the city shall require an owner of an isolated lot or plot to provide sidewalks, except as provided below.

Sidewalks shall be constructed, if not already existing, along the street frontage of a lot which is being developed for a permitted use, except no sidewalks are required for:

1. Additions or renovations to, or new construction of single family homes on lots platted prior to January 1, 2003, unless a new single family home is proposed to be built on a lot where there is a sidewalk on the adjacent lot frontages.
2. The addition or new construction of 500 square feet or less of gross floor area on any property or any paving of fewer than five parking spaces or equivalent area.
3. On alleys providing a secondary access to a lot of record.
4. Any lot on land designated as industrial on the future land use map of the city.

Sidewalks are proposed along all the street frontage of every lot.

c. *Cul-de-sac or dead-end loop street(s) requirements.* A sidewalk is required on at least one side of a street on a cul-de-sac or dead-end loop street(s) from 100 to 250 feet long, except as provided below. Sidewalks are required on both sides on cul-de-sac or dead-end or loop street(s) greater than 250 feet long. For a project in which the closest lots to a connecting street are at least 1,000 feet from the street it stems from, sidewalks are required on at least one side of the street up to the lot nearest the connecting street. Illustrations are shown below.

Exception: Sidewalks are not required on a cul-de-sac or dead-end or loop street(s) less than 100 feet long.

Sidewalks are proposed along all the cul-de-sac street.

d. *Special area plan.* Sidewalks shall meet the specific requirements of any special area plans any provisions of this Code to the contrary notwithstanding.

So noted.

e. *Responsibility for construction.* The installation of sidewalks is the responsibility of the developer/owner and the sidewalks shall be installed prior to the issuance of a certificate of occupancy by the city. For a phased development, sidewalk(s) shall be completed to serve any area for which a certificate of occupancy or any temporary occupancy is required. The developer/owner shall only be responsible for the sidewalk on the same side of the street(s) on which the approved plan is adjacent, except as specifically modified by paragraph h. below.

So noted.

f. *Design standard.* Sidewalk(s) and ramp(s) shall be constructed in accordance with the City of Gainesville Public Works' Design Manual. Whenever a sidewalk intersects a curbed street, ramps shall be installed to facilitate handicap access.
Sidewalks and ramps will be in accordance to the city Public Works Design Manual.

g. *Dedication.* From time to time, an amendment to an existing developed area may require the installation of a sidewalk, however, inadequate right-of-way may exist to such extent that a developer/owner cannot install a sidewalk. In this event the city shall require the developer/owner to dedicate sufficient right-of-way to install proper sidewalk areas along all boundaries of the proposed development abutting public streets, or provide an easement to the homeowners association or condominium, as applicable, for additional common area for the sidewalk. The dedication of sufficient right-of-way for sidewalk improvements must be necessary to serve the development or reduce the impact of the development on the city's transportation system, and must, in all instances, meet the "essential nexus" and "rough proportionality" requirements established by the United States Supreme Court in the cases of Nolan v. California Coastal Commission and Dolan v. City of Tigard.
So noted.

h. *Modifications.* The appropriate reviewing board ("board"), city manager or designee (hereinafter "city manager") where no board approval is required, may approve modifications from the terms of this section. The board or city manager, may determine the appropriate location and/or termination of sidewalk(s), determine that dedication of right-of-way meets the required obligation, or determine that a portion of a sidewalk may be narrowed, as may be consistent with state accessibility requirements, or any combination of the above, as follows:

The board or city manager shall require the petitioner to provide information in the form of reports, maps, diagrams and similar material to support their request for modification. The board or city manager shall make their determination based on the following criteria:
The conditions and circumstances, which do not result from the actions of the developer, warrant modification of the sidewalk requirements. In reaching its decision, the board or city manager shall apply the following standards:

- i. The need to relocate utilities that must be moved solely in order to facilitate the construction of sidewalk;
- ii. Construction or redesign of stormwater management facilities;
- iii. Insufficient building setbacks;
- iv. A substantial lack of right-of-way;
- v. Protection of heritage and champion trees;
- vi. Excessive slope or other topographic or geological features;
- vii. Existing and expected future isolation of the subject parcel;
- viii. Sidewalks are not permitted by state or local agencies with jurisdiction over the subject right-of-way.

No modifications to the sidewalk requirements are being requested.

Subdivision II. Flood Control District

Sec. 30-286. Prohibited uses.

(a) *Flood channel districts.* Hereafter it shall be unlawful for any person, natural, corporate, governmental or otherwise, to erect, remodel or alter any permanent structure or other development or to dredge or fill in any flood channel without a permit issued by the city manager. Filling with junk, trash, garbage or offal shall not be permitted. No permanent structures or fills shall be allowed except structures and fills designed for flood prevention and control, streets, bridges and sanitary sewer lift stations and utility lines. No dredging shall be allowed except to enhance the flood control capacity of the entire channel. Storage of materials that are buoyant, flammable, explosive, toxic or otherwise potentially harmful to human, animal, or plant life and health, such as chemicals and poisons, is prohibited. Where flood channel is stagnant water, i.e., an area of the flood channel where water leaves only through percolation and/or evapotranspiration, the restriction of the floodplain district shall apply. In those areas of flood channel districts that are shown on the flood control maps as being within areas inundated by backwater created by reverse flows of waters (flowing upgrade), development and construction shall be permitted under the provisions of these sections relating to floodplain districts, provided the developer provides artificial or alternate means of stormwater conveyance which during the 100-year storms will convey the same peak discharges of water as the natural drainage ay and at the same energy gradient.

The appropriate permit will be obtained for works within the flood channels areas.

(b) *Floodplain districts.* Hereafter, it shall be unlawful for any person, natural, corporate, governmental or otherwise, to erect, remodel or alter any permanent structure, manufactured home, manufactured home park, or other development or to dredge or fill in any floodplain district, without a permit issued by the city manager. No such permit shall be issued if the proposed activity shall reduce the capacity of the floodplain district to which the application applies as it exists at the date of the application for the permit. For the purposes of this subsection, any development which effectively raises the average ground or improvement surface shall be taken to reduce the floodplain district portion of the property. In no event shall any institution or place of assembly for the mentally or physically ill, the young or aged, such as a school, nor any place of incarceration, be permitted.

The appropriate permit will obtained for works within the flood channels areas.

(c) *Drainage basin district.*

(1) This subsection applies to all development of property. The applicant seeking plan approval shall provide a hydrological study performed by an engineer registered in the State of Florida, demonstrating that any work on the site will not increase the rate of discharge of stormwater runoff to downstream property beyond what would occur before the alteration based on the 25-year critical duration storm. If such a study shows that the rate would increase, the applicant's plans must show what provisions are to be made to contain this increase on the developed land or that the applicant will participate in the proportionate costs of necessitated means of controlling the rate of discharge of the stormwater runoff and that such facilities will be in place at the time the increased runoff occurs.

A drainage analysis is submitted as part of the design plat application.

(2) Subsection (c)(1) of this section shall not apply to the exceptional cases where hydrological calculations show the flood hydrographic peak would be raised at any downstream point by adhering to these provisions.

So noted.

(3) In those watershed basins in which the volume as well as the rate of discharge could result in downstream flooding of existing developed areas the volume of discharge from new development shall be limited to the pre-development volume.

A drainage analysis is submitted as part of the design plat application.

(d) *Floodwater detention and retention areas.* Hereafter, it shall be unlawful for any person, natural, corporate, governmental or otherwise, to erect, remodel or alter any permanent structure or other development or dredge or fill in any floodwater detention or retention area without a permit issued by the city manager. No such permit shall be issued if the proposed activity would create a flooding hazard to the structure or other development so created or if the retention or detention capacity of the affected area were reduced to less than its original capacity when first officially designated as a detention or retention area, or unless equivalent detention or retention capacity to the total of that being eliminated is otherwise provided.

Drainage analysis will be provided to demonstrate the proposed development will not cause flooding hazard.

(e) *General standards.* Notwithstanding other provisions of these sections, no permit to excavate or fill, build in, obstruct or alter any flood channel district or any floodplain district or any drainage basin district shall be issued, if to do so would create:

(1) Harmful soil erosion from the land and shoaling in a watercourse. Sediment migration from the developed area should at no time prior, during or after construction exceed the rate and character which is natural to any area. Sediment migration shall be measured by turbidity measurements in Jackson's units.

(2) Stagnant areas of water adjacent to or on nearby property unless they are specifically designed for flood or sedimentation control.

(3) An irreversible adverse impact on the existing flora and fauna in a flood channel.

(4) Otherwise uncontrolled danger to life and property as a result of increased flood heights or velocities caused by proposed uses.

(5) Otherwise uncontrolled danger to life or property caused by lack of access to the property in times of flood by ordinary or emergency vehicles.

(6) Any condition incompatible with the flood control and protection purposes of these sections.

Drainage analysis will be provided to demonstrate the proposed development will not cause flooding hazard.

Sec. 30-287. Permitted uses.

(a) *Flood channel districts.* Within the limitations of subsections 30-286(a) and (e) and other applicable zoning regulations, and the surface water district provisions of article VIII, the following uses are permitted:

(1) Agricultural uses such as pasture, grazing and wild crop harvesting.

(2) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, launching areas for boats, swimming areas, parks, wildlife and nature preserves, fishing areas, hiking, bicycling and horseback riding trails.

(3) Uses such as lawns, gardens, parking areas and play areas.

(4) Temporary structures and fills for the purpose of constructing legal developments in a non-flood-channel district. No temporary structure or fill may be permitted for more time than is reasonably required for completion of the legal development and none may be permitted if a serious temporary flooding hazard would be created. Temporary structures

or fills may not be permitted unless firmly anchored against flotation or erosion in the event of unexpected flooding. All expenses of removing the temporary structure and fills and restoring the flood channel to its original condition shall be borne by the permittee.

(5) Governmental and public utility projects such as flood control filling and dredging, streets, bridges and utility transmission lines and pipes under the following restrictions:

a. Any fill or dredge must be shown to have a beneficial flood control purpose or otherwise protect the public welfare and any fill shall be protected against erosion by riprap, vegetation or bulkheading, or other acceptable means.

b. Structures shall be constructed so as to minimize obstruction to the flow of the channel, unless flow control is intended. Structures shall be firmly anchored to prevent flotation which may result in damage to other property, or restriction of bridge openings and other narrow sections of the creek.

The appropriate permit will be obtained for works within the flood channels areas.

(b) *Floodplain districts.* Within the limitations of sections 30-286(b), (c) and (e), 30-290, 30-291 and 30-292 and other applicable regulations, the following uses are permitted:

(1) Uses permitted in subsection (a) of this section and general farming, outdoor plant nurseries, horticulture, silviculture and viticulture.

(2) Launching areas for power boats, marinas, boat rentals, docks, piers and wharves.

(3) Structures for uses permitted by the existing zoning ordinances and meeting the standards set forth in sections 30-290, 30-291 and 30-292 may be constructed on stilts, piles or interrupted masonry foundations or conventional foundations, if retention is provided for the volume displaced at the same elevation of centroid of volume, so that the first floor or basement floor is not less than one foot above the level of the 100-year flood at each point. Utility services such as sewer, water and electricity must be installed to function properly in a 100-year flood.

(4) Storage of materials shall be allowed in structures satisfying the requirements of subsection (b)(3) of this section. Flammable, poisonous, toxic, explosive and other materials potentially harmful to human, animal or plant life and health must be adequately sealed and anchored to prevent rupture, collapse or flotation caused by the presence of floodwaters or floating debris.

(5) Uses such as parking lots and loading areas.

The appropriate permit will be obtained for works within the floodplain areas.

(c) *Drainage basin districts and floodwater detention and retention areas.* Any use within the limitations of subsection 30-286(c), (d) and (e) and other applicable zoning regulations is permitted.

The appropriate permit will be obtained for works within the flood detention and retention areas.

Subdivision IV. Other Districts

Sec. 30-305. Wellfield district.

(a) Application and administration.

(1) *Adoption of wellfield district.* The wellfield district is delineated on the map entitled, "Map Displaying Community Wellfields of Gainesville, Florida, Regulated by Article VIII of the Gainesville Code," and on file with the department of community development and the clerk's office.

(2) Requirements and procedures.

a. All new and existing developments shall comply with the county Murphree Well Field Management, Storage Tank Systems, and Hazardous Materials Management Codes, except that such development shall also comply with subsection (a)(2)b. of this section.

b. In the Murphree wellfield management primary and secondary zone, the installation of new septic tanks in commercial, institutional and industrial districts is prohibited.

The project is located within the wellfield district and is exempt from the requirement of the district in accordance to Sec. 30-201.

Sec. 30-306. Gateway street district.

(a) Application and administration.

(1) *Adoption of gateway street district.* Designation of gateway streets shall be initiated by the city pursuant to the procedures established by this chapter for a rezoning, and in compliance with the city comprehensive plan.

The proposed subdivision is located adjacent to two Gateway Streets, NE 53rd Avenue and NE 39th Avenue.

(2) Requirements and procedures.

a. Permitted uses by special use permit, provided the conditions and requirements of subsections (a)(2)a.1. and 2. of this section are met: Mining (MG-10-14), landfilling (IN-4953), junkyards and salvage yards, mobile home dealers (IN-5271) and outdoor storage.

Not applicable.

1. Screening is required when such use is within 50 feet of the public right-of-way, or whenever, in the opinion of the city manager, it is necessary to visually shield the use from the public right-of-way.

2. When screening is required, the following standards shall be adhered to:

i. The entire area occupied by the use shall be surrounded by a solid masonry wall at least eight feet in height without openings, except for entrances and exits, which shall be equipped with solid gates.

ii. The portions of the wall visible from the public right-of-way shall be screened from the right-of-way with dense evergreen landscaping. The landscape buffer shall average 15 feet in width, with no less than eight feet of width at any given point. The landscaping shall achieve at least 75 percent opacity within three years. Trees shall be installed to meet or exceed the requirements of section 30-262. Trees shall be both gateway and buffer trees as designated by the Gainesville Tree List.

iii. No merchandise, equipment, machinery, materials, motor vehicles or other items shall be stored above the height of the screening wall, or otherwise be visible from the public right-of-way.

These screening and landscaping requirements are included in the proposed subdivision plan.

b. Required landscaping: Refer to section 30-262.

The required landscaping is included in the landscape plan.

c. Prohibited zoning: No parcels within the gateway street district shall be rezoned to BA (business automotive) zoning.

(b) *Expansion or alteration of existing uses.*

Not applicable.

Sec. 30-309. Significant ecological communities district.

(a) *Purpose and intent.* This section is established to codify standards to protect and restore significant ecological communities in the city while not eliminating all economically viable use of a parcel. The city hereby establishes a permit procedure for development of parcels that are located within this district. This section provides the standards and criteria by which applications for permits for development on these parcels are considered so as to provide enhanced protection to the environmental features of the parcels.

An important element of this section is the requirement that an environmental inventory be prepared as a condition for development approval. Such a requirement ensures identification of vital environmental communities on the property proposed for development, thereby increasing the likelihood that such communities will be protected or restored, and enabling use of a more customized set of regulations, instead of more generalized regulations that may not be appropriate for a given property.

So noted.

(b) *Effect of classification.* The significant ecological communities district is an overlay zoning district. It shall operate in conjunction with any underlying zoning district on the property. The regulations of the underlying zoning district, and all other applicable regulations, remain in effect and are further regulated by significant ecological communities district standards. If provisions of the significant ecological communities district standards conflict with the underlying zoning, the provisions of the significant ecological communities district standards shall govern and prevail.

A portion of the project is located within this district (see attached exhibit); and is described in the Environmental report by ERC.

(c) *Definitions.* For purposes of this section and section 30-309.1 the following definitions apply:

Completeness is defined as the extent to which an ecological feature exhibits the species, physical structure, and ecological processes typical of that feature type.

Connectivity or connectedness is defined as the extent to which a parcel is adjacent to or near protected lands, and the degree to which intervening properties could hinder wildlife movement or other ecological processes that contribute to the overall health of the ecological community.

Exemplary is defined as a parcel having species composition and structure characteristic of an unusually high quality example of the natural community type in question.

High water quality is defined as a parcel contributing to aquifer recharge, water filtration, or flood control; or lacking substantial inputs of pollutants; or a combination of these.

Manageability is defined as the feasibility of carrying out any active management, which is necessary to maintain the natural values of the site.

Nature-oriented human use potential is defined as the extent to which amenities necessary for passive recreation (access, parking areas, trails, boardwalks) are present or can feasibly be developed on a site.

Rarity is defined as a parcel exhibiting the frequency of occurrence of a natural community or features in the state or within the City of Gainesville. State rankings come from the Florida Natural Areas Inventory's (FNAI) Guide to the Natural Communities of Florida (1990), Tracking List of Rare, Threatened, and Endangered Plants, Animals and Natural Communities of Florida (FNAI 2000), and Florida's Endangered Species, Threatened Species and Species of Special Concern, Official Lists (FWCC 2000). Rankings at the city level are based on the number of known occurrences within the city limits.

Viability is defined as the extent to which ecological processes necessary to maintaining the natural values of the site can persist over time.

Vulnerability is defined as a parcel facing the likelihood of degradation of natural values in the absence of protection or active management or likelihood of destruction due to human influence.

(d) *Procedure for issuance of development order.* In order to obtain a development permit for any parcel within the district, an application for development permit shall include an environmental features report that is prepared for the parcel that is proposed for development. The report shall comply with the requirements stated in the Environmental Features Evaluation Policy Manual, which is adopted separately by resolution.

An Environmental Features Inventory Report has been prepared by Ecosystem Research Corporation and is part of this application.

(e) *Set-aside.* A set-aside of no more than ten percent of the total parcel area, in addition to areas required by Code or law for building setbacks from property lines, landscaping, parking, and stormwater management, or buffers required for surface waters and wetlands, heritage tree preservation, and utilities, may be required to enable the clustering of development on the parcel away from significant ecological features on the parcel. The exact amount and location of property to be set aside shall be determined by the appropriate reviewing board, city manager or designee on a site specific basis and shall be based on objective criteria that the ecological feature(s) on the parcel require additional protection to remain ecologically viable, or to restore ecological function in addition to the intensity, density and design of the proposed development.

After an assessment of the significant environmental feature(s) on the parcel, the appropriate reviewing board, city manager or designee shall apply the following criteria to determine if the aforesaid set-aside is necessary so that the natural communities, ecological processes, species and water quality are protected.

Criteria:

- (1) The vulnerability of the significant environmental feature(s) on the parcel;
- (2) The rarity of the significant environmental feature(s) on the parcel;
- (3) The connectivity related to the significant environmental feature(s) on the parcel;
- (4) The completeness of the significant environmental feature(s) on the parcel; and
- (5) The manageability of the significant environmental feature(s) on the parcel.

The proposed set-aside area is included in the Environmental Features Inventory Report prepared by Ecosystem Research Corporation which is part of this application.

(f) *Heritage trees.* A plan shall be prepared by the applicant for review and approval by the appropriate reviewing board, city manager or designee that will protect a majority of the high-

value heritage trees on the property. High-value heritage trees are defined as those native species that are not Laurel Oaks, Water Oak, Sweetgum, Loblolly Pine, Slash Pine or Sugarberry. Development proposals that call for the removal of more than 50 percent of the high-value Heritage trees on the property shall mitigate the loss of said trees by preserving smaller than heritage-size, high-value trees existing on the property. The total of diameter inches of high-value heritage trees destroyed shall be mitigated by preserving an equal number of diameter inches of smaller high-value trees. To protect the environmental features of the site, the plan shall provide for tree protection zones that are at least one-foot in diameter for each inch of diameter at breast height of the tree. These barriers must meet the requirements of section 30-255.

Heritage trees are shown in the proposed landscape plan; and the Environmental Features Inventory Report, which are part of this application.

(g) *Surface waters.* In order to protect water quality, setbacks larger than those required in section 30-302 may be necessary. The criteria provided in subsection (e) above shall apply.

The surface waters are included in the Environmental Features Inventory Report prepared by Ecosystem Research Corporation which is part of this application.

(h) *Protection of sinkholes and other rare natural communities.* Sinkholes are ecologically valuable in that they provide a rapid means for water to flow from the surface to underground aquifers and because sinkholes often provide different temperature and moisture conditions from surrounding areas so support a distinct natural community of plants and animals, many of which are rare or endangered. For these reasons, it is in the interest of the community to protect sinkholes. Sinkholes and other rare natural communities, as ranked by the Florida Natural Areas Inventory as G1/S1, G2/S2, or G3/S3, found on the property and deemed worthy of protection, based on the following criteria and as recommended by the city manager or designee or appropriate reviewing board, shall not be filled or otherwise disturbed.

The natural communities are included in the Environmental Features Inventory Report prepared by Ecosystem Research Corporation which is part of this application.

(1) Criteria to identify ecologically valuable sinkholes:

- a. Documented occurrence of one or more sinkhole indicator species (see list below). Current or past existence of sinkhole-dependent species indicates that the environmental conditions capable of supporting a distinct sinkhole community are likely to exist at the site.
- b. Steep sides with areas of exposed, shaded limestone. Species that are dependent on sinkholes typically thrive in cooler, moister microhabitats that occur on shaded portions of sinkhole walls. Many sinkhole-associated plants grow directly on the limestone substrate, so exposed limestone is important.
- c. Intact vegetation surrounding the sinkhole. Natural vegetation surrounding the sinkhole acts as a buffer by intercepting rainfall, thereby reducing erosion of the sinkhole walls. In addition, the shade provided by surrounding vegetation may increase the likelihood that the sinkhole provides the temperature and moisture conditions required by sinkhole-dependent species.
- d. Limited human disturbance (such as dumping or erosion) to the sinkhole.
- e. Limited paving or development adjacent to or upslope from the sinkhole.
- f. Low likelihood of agricultural runoff into the sinkhole based on the surrounding environment.
- g. Open or rocky bottom in sinkhole. This indicates that there is little possibility for water to be filtered by passage through soil before entering underground aquifers.

(2) Species associated with sinkholes and documented in Alachua County:

TABLE INSET:

Animals		
Species	Common name	Status
<i>Desmognathus auriculatus</i>	Southern dusky salamander	
Plants		
Species	Common name	Status
<i>Adiantum capillus-venerus</i>	Venus' hair fern	
<i>Adiantum tenerum</i>	Brittle maidenhair	E
<i>Asplenium monanthes</i>	Single-sorus spleenwort	E
<i>Asplenium pumilum</i>	Dwarf spleenwort	E
<i>Asplenium verecundum</i>	Modest spleenwort	E
<i>Asplenium x curtissii</i>	Curtiss' spleenwort	
<i>Asplenium x heteroresiliens</i>	Morzenti's spleenwort	
<i>Blechnum occidentale</i>	Hammock fern	E
<i>Thelypteris reptans</i>	Creeping star-hair fern	E

E = listed as endangered by the State of Florida

(i) *Clustering away from environmentally significant features*

(1) *Single-family residential flexibility.* To improve protection of significant ecological communities, single-family residential development may cluster as provided in section 30-190. The proposed project will meet the standards of an environmental cluster subdivision.

(2) *Non-single-family flexibility.* Development that is not single-family residential development may be planned to reduce any required setbacks (except for setbacks from surface waters as provided herein), street widths, parking, or landscaping requirements if, in the opinion of the city manager or designee, or appropriate reviewing board, such reductions are necessary to improve protection of significant ecological communities through clustering away from such communities. This provision does not permit or allow any violation of any applicable code or change to the existing land use or zoning of the property.

(j) *Administrative remedy.* Any property owner who believes that a specific decision of the appropriate reviewing board, city manager, or designee, rendered under this section has resulted in a taking of the property in violation of law, or is otherwise entitled to compensation under law, shall file an appeal within 30 days of the decision with the clerk of the commission. The city commission shall hear the appeal within 60 days of filing the appeal unless an extension is timely filed, in writing, by the property owner with the clerk of the commission. In this event, the property owner shall be automatically granted a 60-day extension. At the hearing before the city commission, the property owner has the burden to show how or in what respect the specific decision results in a taking or other remedy entitling the owner to payment of compensation under the law. In support of such appeal, the property owner shall submit any plans for the development

of the property and show how or in what respect the specific decision results in a taking or other entitlement to payment of compensation to the owner. Additionally, the property owner shall submit, at least 30 days prior to the hearing, a bona fide, valid appraisal that supports the appeal and demonstrates the loss of fair market value to the property. The city shall have an opportunity to rebut any evidence offered by the property owner. At the conclusion, the city commission shall have the power to grant relief and to overturn any specific decision in order to avoid a taking of the property or the payment of compensation to the owner. The action of the city commission shall constitute final administrative action under this section.

DIVISION 3. WELLFIELD PROTECTION SPECIAL USE PERMIT

Sec. 30-201. Permit required.

Within the primary, secondary and tertiary wellfield protection (management) zones of Alachua County, all new development and existing development that will intensify, expand or modify a use directly associated with the storage of hazardous materials, except for uses allowed within the residential zoning districts as provided in section 30-41(a)(1) and uses exempted under section 30-202 (hereinafter "exempt use"), shall be required to obtain a wellfield protection permit, or a wellfield protection special use permit, whichever is applicable, as issued by the city commission or city manager or designee, as provided herein. In addition, all existing development which requires any level of development plan review for expansion or changes at a site shall be required to obtain a wellfield protection permit, or a wellfield protection special use permit, unless the development is an exempt use.

(a) The standards and requirements of this division shall apply to all properties located in the wellfield protection management zones. Properties that may only be partially located in a wellfield protection management zone shall be treated as if the entire property is located completely within the wellfield protection management zone.

(b) The primary, secondary, and tertiary wellfield protection zones are those zones delineated on the Murphree Wellfield Protection management zones map on file with the department of community development.

The subject property is located within the primary and secondary wellfield zones. However, the proposed use (residential subdivision) is allowed in the residential zoning district as provided in section 30-41(1)(1). Therefore, this project is exempt from the requirements to obtain a wellfield protection permit or a wellfield special use permit.

Subdivision III. Surface Waters and Wetlands District

Sec. 30-301. Regulated surface waters and wetlands.

(a) The regulated creeks, lakes, and wetlands are as follows:

(1) Creeks and lakes delineated on the map entitled: "Surface Waters and Wetlands District", on file with the public works department, the planning and development services department and the clerk of the commission, and other creeks and lakes that are "waters in the state" as defined in F.S. § 373.019(17).

Creeks and wetlands are described in the Environmental Report prepared by ERC, which is part of this application.

(2) All wetlands, as delineated pursuant to Rule 62-340.300, F.A.C.

(b) In the event the city annexes property containing one or more creeks, lakes, or wetlands, the affected annexed property will be included in the district. All creeks and lakes that are "waters in the state" and all wetlands delineated pursuant to Rule 62-340.300 which are located in the city, including those in the annexed areas, are regulated by this article.

Creeks and wetlands are described in the Environmental Report prepared by ERC, which is part of this application.

Sec. 30-302. General requirements and procedures.

(a) *Platted lots.* It is the policy of the city that wetlands and required wetland buffers not be included within any platted lots or blocks for lots or blocks of any subdivision (not including lot splits and minor subdivisions) which are approved after April 12, 2004.

Creeks and wetlands are not included as part of the proposed lots (see design plat).

(b) *Buffers.* Except as otherwise provided, there shall be no development in, on or over a surface water or wetland, or within 75 feet of the landward extent of a regulated lake, or within 35 feet of the break in slope at the top of the bank of any regulated creek as referred to in section 30-301.

A minimum buffer distance of 35 feet and an average minimum buffer distance of 50 feet shall be required between the developed area and the landward extent of any wetland or surface water, other than (as provided in the preceding paragraph) a regulated lake or creek. Figure 1 depicts the minimum 50-foot buffer distance without encroachment. Wherever the buffer distance is less than 50 feet, the amount of such encroachment along the 50-foot buffer line shall be mitigated along an equal length of buffer line contiguous to the encroachment. Such mitigation shall consist of increasing the minimum buffer distance so that the average minimum buffer distance of 50 feet is maintained at that location. Figures 2 and 3 depict encroachment of the 50-foot distance with required mitigation contiguous to the encroachment. The required increase in minimum buffer distance can be provided along an equal length of buffer line not contiguous to the encroachment only if greater protection of wetland resources can be attained, subject to the approval of the city manager or designee or appropriate reviewing board. See Figure 4 for depiction of increased minimum buffer distance along equal length of buffer line not contiguous to the encroachment.

The average minimum distance of 50 feet shall be maintained under all circumstances unless it is established, prior to permitting, by competent, substantial evidence that a distance greater than 50 feet is required for the protection of wetland functions, as required by this article. Buffers shall remain in an undisturbed condition except for drainage features that will not adversely affect wetland functions and public infrastructure exempted by section 30-304. Outfall structures from stormwater retention or detention basins can be allowed within required buffers. The buffer shall

not apply to surface waters or wetlands created by humans, except those wetlands that are created for mitigation. The buffer shall be clearly delineated with permanent markers.

Within required wetland or surface water buffers, there shall be no placement of impervious surfaces or sod, except as otherwise allowed pursuant to this article. All invasive, non-native plant species listed in section 30-251(7)g. shall be removed prior to issuance of the certificate of occupancy. All plants listed on the Noxious Weed List, Section 5B-57.007, F.A.C., shall be removed prior to issuance of the certificate of occupancy. Native vegetation shall be retained and/or installed in order to protect wetland and surface water environmental features.

No development is proposed within the majority of wetland buffers and creek setbacks, as shown in the design plat. An average minimum of 50 ft is maintained around wetlands.

(c) Outstanding Florida Waters, as listed in Section 62-302.700, F.A.C., shall have a minimum buffer of 200 feet.

No outstanding Florida waters are located within this project.

(d) For development activity between 35 and 150 feet from the break in slope at the top of the bank of any regulated creek, it is a rebuttable presumption that the development activity is detrimental to the regulated creek and is therefore prohibited unless approval is granted as set forth below.

(e) Development plans for lots within 150 feet of any regulated creek shall demonstrate compliance with the following standards (standards (2) and (3) shall not be applied to residential single-family lots):

(1) The development will not introduce erosion and sediment pollution to the creek both during and after construction;

Appropriate erosion control measures will be in place before and during construction of the development.

(2) The first one inch of runoff or appropriate water management district standards, whichever is greater, will either be retained or detained through filtration on the project site;

(3) There will be no net increase in the rate of runoff from the site;

(4) There is no threat to the stability of the creek bank;

Stability of the creeks will not be impacted during the construction of the proposed development as shown in the Environmental Report.

(5) There will be no placement of buildings, structures, impervious surfaces, or sod that would require the removal of vegetation integral to the creek's ecological value. All invasive, non-native plant species listed in section 30-251(7)g. shall be removed prior to issuance of the certificate of occupancy. All plants listed on the Noxious Weed List, Section 5B-57.007, F.A.C., shall be removed prior to issuance of the certificate of occupancy. Native vegetation shall be installed and/or retained to protect surface water or wetland environmental features.

Native Vegetation and control has been included in the Environmental Report.

(f) The development will not modify groundwater levels so as to have an adverse impact on the hydrological regime of a surface water or wetland. For the purposes of this provision, adverse impact is defined as a change that prevents the surface water or wetland from maintaining a structure and function equivalent to pre-development levels.

The proposed development will not modify the groundwater levels; therefore will not create adverse impact to the surface waters or wetlands as described in the Environmental Report prepared by ERC.

(g) If a proposed development requires development plan review pursuant to Article VII of this Code, the showing of compliance with the requirements of the surface waters and wetlands sections of Article VIII shall be made in development plan review. The petition for development plan review shall provide both a hydrological report and construction plans prepared by a qualified engineer registered in the state.

A hydrological report and construction plans will be submitted at the time of development plan review.

(h) If a proposed development does not require development plan review, a showing of compliance shall be certified by the city manager's designee prior to issuance of any building permit. To demonstrate compliance with the requirements concerning quality and control of erosion and sediment pollution, the development plan may employ the city's "General Criteria for Controlling Erosion and Sediment," in the design manual, or equivalent practices, rather than employing the more elaborate hydrological and soil reports used in development plan review. Compliance with the measures required by "General Criteria for Controlling Erosion and Sediment" shall be presumed sufficient to meet the standards in subsections 30-302(e)(1), (2) and (3). The development plan shall provide enough information to demonstrate compliance with the remaining standards, but need not ordinarily be prepared by a registered engineer. A professional land surveyor certified by the state shall provide the lot boundaries survey and topographical information.

Not applicable.

(i) On-site transfer of development intensity and density. In order to protect surface water features of a site, development intensity and density for building areas may be transferred from a lower to a higher elevation within the same property or adjacent property under the same ownership and zoning category. Intensity and density may be apportioned over the property by reserving the surface water and its buffer area as common open space. If all of the intensity and density is transferred to the adjacent property, the owner shall record a restriction in the chain of title of the transferor property, prior to issuance of a final development order, to restrict the use of the land in perpetuity to non-development uses, with such restrictions being expressly enforceable by the city.

Not applicable.

(j) The installation of new septic tanks is prohibited within 150 feet of the landward extent of a regulated lake or wetland, or within 150 feet from the break in slope at the top of the bank of a regulated creek.

Not applicable.

Sec. 30-302.1. Avoiding loss or degradation of wetlands.

Wetlands within and around the City of Gainesville provide environmental benefits such as water quality improvement, floodplain and erosion control, groundwater recharge and wildlife habitat, especially for species listed as endangered, threatened or of special concern by state and federal agencies, plus recreational, aesthetic and educational opportunities for people. These functions may be provided regardless of wetland size. Wetlands damaged or degraded shall either be restored to their function and condition prior to such damage, or mitigated pursuant to the

mitigation requirements in the comprehensive plan, this Code, and in accordance with appropriate water management district standards.

Wetlands impacts and proposed mitigation as required in this Section 30-302.1 is included in the "Environmental Features Inventory Report", prepared by ERC (Ecosystem Research Corporation), which is part of this application.

Sec. 30-303. Single-family lots.

(a) *Applicability of standards.* All development of single-family lots is to comply with the provisions of the surface waters and wetlands sections of this article. If a subdivision plat has satisfied the requirements of these sections, the city may issue a certification of compliance for some or all of the lots in the subdivision at one time. In that case the lots are subject to further compliance review at the time of issuance of a building permit, only for compliance with the construction measures required by General Criteria for Controlling Erosion and Sediment.

Wetlands impacts and proposed mitigation as required in this Section 30-302.1 is included in the "Environmental Features Inventory Report", prepared by ERC (Ecosystem Research Corporation), which is part of this application.

(b) *Special permits.* In order to allow the reasonable development of a single-family dwelling and customary accessory structures and driveways on platted lots regulated by the surface waters and wetlands sections of this article, the board of adjustment may grant a special permit that allows exception from compliance with the minimum buffer requirements of these sections only to the extent necessary to accommodate such reasonable development. As part of the same proceedings, the board may also grant variances to the yard setbacks required by this chapter in order to facilitate compliance with these sections subject to a finding that such special permits will neither be injurious to adjacent property owners or the neighborhood nor detrimental to the public welfare.

(1) *Minimum requirement for special permits.* Special permits may be granted by the board of adjustment for single-family lots located within the 75-foot required minimum buffer for regulated lakes, or within the required average minimum buffer distance of 50 feet from the landward extent of any wetland or surface water, or within 150 feet of the break in slope at the top of bank of a regulated creek for lots which are lawfully created before April 12, 2004.

(2) *Criteria for granting of special permits.* The following criteria shall be used in deciding whether and to what extent a special permit should be granted:

a. The board of adjustment shall determine what is reasonable development of a single-family lot, accessory structures and drives and shall consider the following factors:

1. The size of existing single-family dwellings in the immediate vicinity should serve as a guide to what is customary and reasonable for the property under review.

2. No special permit shall be granted for the purpose of accommodating a swimming pool, tennis court, racquetball court or similar recreational structure, or to accommodate accessory uses that are not customary on single-family lots or exceed the customary size.

b. The board of adjustment shall consider features of the site, including its topography, the width of the creek bed, and the presence or absence of vegetation natural to the creek, lake or wetland, which indicate that a special permit would or would not further the goals of these sections.

c. The board of adjustment shall consider building code requirements, including building orientation requirements to meet energy efficiency standards that affect the design and/or orientation of structures on the lot.

d. The board of adjustment shall consider presence of trees eight inches or greater in diameter at a point 4 1/2 feet above the ground level that can only be preserved if a special permit is granted.

Not applicable.

(3) Furthermore, the board of adjustment shall consider staff reports as needed in reaching its decision. In granting a special permit the board shall establish measures to ensure that the goals of these sections are substantially met, in particular maintaining natural vegetation where feasible, preventing sedimentation loading to the creek, lake or wetland, maintaining the stability of the creek or lake bank, and preventing the degradation of the water quality of the creek, lake or wetland. To achieve these aims, the board of adjustment shall attach such reasonable conditions and safeguards, such as construction control techniques and other mitigative measures, as it deems necessary.

Not applicable.

(c) *Special permit procedures.* Applications shall be processed in accordance with the requirements in article X of this chapter, relating to variances, established for the board of adjustment.

Not applicable.

Sec. 30-304. Exemptions.

(a) The provisions of the surface waters and wetlands sections of this article shall not apply to:

(1) Unless otherwise provided herein, any construction, development or use initiated pursuant to any valid building permit or approved development plan issued or approved before April 12, 2004.

Not applicable.

(2) Any public works or utilities projects initiated by the city or by a property owner acting with the authorization of the city and state agencies (the state department of environmental protection or the appropriate water management district) to provide utility services or to maintain or modify existing public works or utilities infrastructure or to provide controlled stormwater discharge to the creek, lake or wetland. However, such projects shall not be exempt from first avoiding loss or degradation of wetland functions and habitats, and then minimizing unavoidable loss or degradation of wetland function and habitats. Such projects that cause unavoidable loss or degradation of wetland functions or habitats shall be clearly in the public interest.

Not applicable.

(3) Repairs or replacement to the site structure(s) that do not increase the external dimensions of site impervious surface. When such development does increase said dimensions, the development up to the point at which dimensions increase will be exempt.

Not applicable.

(4) Additions or accessory structures that do not add more than 100 square feet of impervious surface area cumulative from April 12, 2004, including any construction that does not require a building permit, and are at a distance greater than 50 feet from the

landward extent of the wetland, or greater than 75 feet from the landward extent of the lake, or greater 35 feet from the break in slope at the top of the bank of a regulated creek. However, the placement of limerock surface, irrespective of size, shall comply with the provisions of these sections.

Not applicable.

(5) Any construction or development initiated pursuant to the development plan of a planned development approved prior to April 12, 2004, if the development plan depicts the location of the buildings and structures on the site or if special consideration has been given to the issue of creek, lake or wetland protection as evidenced by specific limitations and/or restrictions having been placed on the lots or buildings during the approval process.

Not applicable.

(6) Construction of public or private nature trails if the proposed plan is consistent with the intent of these sections and complies with the following restrictions:

a. There is no significant alteration of creek, lake or wetland drainage patterns or special protection species population reduction or habitat alteration due to the trail.

b. The natural grade within the buffer area is maintained to the maximum feasible extent.

c. The maximum width for private trails within 35 feet of the break in slope at the top of the bank of a regulated creek or within 50 feet of a wetland is 50 inches. The maximum width for private trails within 75 feet of a regulated lake is 50 inches. A private trail greater than 50 inches in width that is located between 35 feet and 150 feet from the break in slope at the top of the bank of a regulated creek, is presumed detrimental to the creek unless the trail plan demonstrates otherwise. The width of public trails shall be set during site plan review.

d. Materials used for the trails construction are limited to asphaltic concrete, concrete, wood, compacted earth, mulch, crushed shells or other materials that will not result in the creek receiving significant amounts of sediment or other adverse material harmful to the creek water quality. If materials other than asphaltic concrete or concrete are used, such materials shall be stabilized to prevent washouts or soil erosion.

e. Developers, their successors and assigns of private trails shall provide the city with a maintenance agreement which is acceptable to the city attorney and provide for maintenance and preservation of the trail to ensure there is no adverse impact to creek, lake or wetland vegetation, water quality, or creek or lake bank soils.

Proposed trail will not create any impact or alterations of the existing wetlands or water surface.

(7) The reestablishment of native vegetation. When the reestablishment of native vegetation is for any property other than single-family residential, a vegetative reestablishment plan shall be subject to the approval of the city manager or designee to ensure the appropriateness of the vegetation proposed and to ensure the incorporation of proper sediment control measures.

Not applicable.

(8) All human-built impoundments, lakes, streams, ponds, and artificial or created wetlands, provided that development activities in these areas will not adversely impact natural or mitigation surface waters and wetlands. If these facilities were required as a mitigation project, they shall not be exempt from the provisions of these sections. If any surface waters or wetlands are part of a stormwater management facility approved by the

city, the same functions shall be provided and any modifications shall be subject to approval by the city public works department.

Proposed mitigation of wetlands and created wetlands are described in the Environmental Report prepared by ERC.

(9) Stormwater management facilities are allowed within wetland buffers provided that: the stormwater management facility will not adversely impact natural or mitigation surface waters and wetlands; the hydroperiod of the wetland will be maintained or restored; the stormwater management facility will have a maximum slope of 4:1; littoral zones will be established and maintained in all wet detention facilities; and that landscaping of stormwater management facilities will conform to section 30-251 and all other applicable requirements of Chapter 30, and to the public works department design manual. Stormwater management facilities are not exempt from the buffer requirements of section 30-302(b) for regulated creeks or lakes.

Not applicable.

(b) All development, even if exempt or otherwise granted an exemption from any other provisions of these sections, shall incorporate either the city's General Criteria for Controlling Erosion and Sediment or equivalent practices.

So noted.

Sec. 30-308. Greenway district.

(a) *Application and administration.*

(1) *Adoption of greenway district.* All designated greenways will be delineated on the map entitled, "Map Displaying Greenways of Gainesville, Florida, regulated by Article VIII of the Gainesville Code," and on file with the planning and development services department and the clerk's office. This map is for use only as a general reference for determining the location of the district. Actual affected properties will be identified by a list of parcels generated from the computerized GIS inventory maintained by planning and development services department.

Although the proposed development is not located within the Greenway District, a greenway trail is proposed in the development and it will comply with the requirements of this Section.

(2) *Requirements and procedures.*

a. *Requirements.*

1. *Subdivisions.* In addition to compliance with subsection (a)(2)a.3. of this section, subdivisions shall comply with Article VII. For cluster subdivisions, refer also to section 30-190.

The proposed development is designed as an environmental cluster subdivision and is summarized above in Section 30-190 above.

2. *Developments other than subdivisions.* For developments requiring development plan review other than subdivisions, where the designated greenway corridors lie inside a floodplain or required surface water or wetlands setback, whichever is more landward, the appropriate review board shall determine if there is a rough proportionality between the projected impact of the development on traffic and recreational needs and the nature and amount of property in the development encompassing the greenway. In making this determination, the board

shall consider the factors listed in section 30-187(o). If the board finds the necessary proportionality, the applicant must dedicate, to the city or a qualified agency designated by the city, a greenway right-of-way which encompasses the designated greenway.

Not applicable.

3. *Greenway width and location.* The minimum width of the greenway corridor shall be 15 feet. For properties containing a creek, the corridor shall be at least ten feet landward of the top of bank of the creek. For properties containing a lake or wetland, the corridor shall be at least ten feet landward of the landward extent of the lake or wetland. For creeks, lakes and wetlands, the city manager or designee may require a distance greater than ten feet when necessary to avoid significant harm to creek vegetation, water quality or creek bank soils. Top of bank and landward extent shall be determined by the city manager or designee. Reduced widths may be approved by the city manager or designee when necessitated by environmental or infrastructure constraints. The corridor shall be located so as to correspond with the entire length of the designated greenway as it passes through the subject property, and shall be aligned to connect with existing or potential greenways and other bicycle/pedestrian circulation systems on the parcel and on adjacent parcels.

Development is proposing a greenway trail of 15 ft wide in the locations shown in the attached plan.

b. *On-site transfer of development intensity and density.* In order to promote or preserve the integrity of designated greenways, development intensity and density for building areas may be transferred from areas near the greenway to areas remote from the greenway within the same property or adjacent property under the same ownership and zoning category.

Not applicable.

(3) *Credit awarded for provision of greenway.*

a. *Increased development intensity points.* Refer to the density bonus points manual as adopted by resolution of the city commission.

b. *Landscape credit.* Developments dedicating a greenway corridor as specified by the density bonus points manual are awarded a 30-percent reduction in the amount of tree and vegetation landscaping required by this chapter.

c. *Setback and lot coverage credit.* Developments dedicating a greenway corridor may include the dedicated corridor as part of its setback, if the corridor would have otherwise been part of the setback. The area of the corridor may also be considered as open space in calculations of lot coverage.

(b) *Demonstration of compliance for developments requiring development plan review.* If a proposed development requires development plan review pursuant to article VII of this chapter, the showing of compliance with the requirements of this section shall be made in development plan review. The petition for development plan review shall provide both a hydrological report prepared by a qualified engineer registered in the State of Florida, as well as a map showing the location of the greenway corridor as it passes through the subject property.

The greenway trail will be dedicated to the public as shown in the design plat Not applicable.

APPENDIX F. AIRPORT HAZARD ZONING REGULATIONS

I. Definitions.

Throughout these regulations, the following words and phrases shall have the meanings indicated unless the text of the ordinance clearly indicates otherwise:

Airport means those areas of land or water designed or set aside for the landing and taking-off of aircraft utilized, or to be utilized, in the interest of the public for such purpose, and validly licensed by the State of Florida Department of Transportation (FDOT) as a "Public Airport" known as the Gainesville Regional Airport.

Airport hazard means any structure, object of natural growth, or use of land that would exceed the federal obstruction standards contained in 14 Code of Federal Regulations (CFR) Part 77, ss. 77.21, 77.23, 77.25, 77.28, and 77.29 and that obstructs the airspace required for flight of aircraft in taking off, maneuvering or landing at an airport; or may otherwise be hazardous to or interfere with taking off, maneuvering or landing of aircraft.

Airport reference point means the approximate geometric center of the runways of an airport, expressed by its latitude and longitude, as shown on the approved airport layout plan of the Gainesville Regional Airport, and identified as the "future airport reference point."

Avigation easement means the assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property.

Day/night average sound level (Ldn) means the day/night average sound level estimated by the Federal Aviation Administration Integrated Noise Model from input assumptions contained in the approved airport master plan of each publicly-owned airport, including but not limited to, the type and amount of aircraft activity, the time of day such activity occurs, runway utilization, flight track geometry, and take-off and landing profiles.

Nonconforming use means any existing structure, object of natural growth, or use of land that is inconsistent with the provisions of these regulations as of May 10, 1999.

Nonprecision instrument runway means any runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned.

Object of natural growth means any organism of the plant kingdom, including trees.

Occupied rooms means rooms within enclosed structures that are, or may reasonably be expected to be, used for human activities including, but not limited to, sound communications, education or instruction, sleeping, eating, entertainment, or the use of telephones and other audio devices.

Occupied structure means a structure with at least one occupied room. See "Occupied Rooms."

Other-than-utility runway means any existing or planned runway that is constructed for, and intended to [be] used by, all types of aircraft, including those having gross weights greater than 12,500 pounds.

Person means individual, firm, partnership, corporation, company, association, joint stock association, or political body, including the trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an Instrument Landing System, Microwave Landing System, or a Precision Approach Radar, or any runway for which a precision approach system is planned.

Runways means those existing or planned portions of the airport prepared for the landing and take-off of aircraft, as shown on the approved airport layout plan of the Gainesville Regional Airport, or those portions of each privately-owned airport prepared for the landing and take-off of aircraft, and identified as such by the Florida Department of Transportation.

Runway end elevation means the elevation at each runway end centerline, expressed in "feet Above Mean Sea Level (AMSL)," as shown on the approved airport layout plan of the Gainesville Regional Airport. For each airport runway, the runway end elevation is that value reported by the Florida Department of Transportation for each respective runway.

Sound level means the quantity, in decibels, measured by an instrument satisfying the requirements of the American Standard Specification for Type I sound level meters. The sound level is the frequency-weighted sound pressure level obtained with the frequency weighting "A" and the standardized dynamic characteristic "SLOW."

Noise level reduction (NLR) means a measurement standard for the reduction in sound level transmission between two designated locations for a stated sound frequency band. NLR standards are used to evaluate the effectiveness or establish the requirements of techniques to limit sound level transmission in order to prevent or mitigate adverse noise impacts.

Statute mile means a distance of 5280 feet.

Structure means any temporary or permanent object constructed or installed by man, including but not limited to antennae, buildings, cranes, towers, smoke stacks, utility poles and overhead transmission lines.

Utility runway means any existing or planned runway that is constructed for and intended to be used by only propeller driven aircraft having gross weights less than or equal to 12,500 pounds.

Visual runway means any runway intended solely for the operation of aircraft using visual approach procedures and for which no straight-in instrument approach procedure exists, or is planned, and is so indicated on the approved airport layout plan of the Gainesville Regional Airport.

II. Airport Zones of Influence.

The City of Gainesville hereby adopts three airport zones of influence. These zones are established to regulate land development in relation to the Gainesville Regional Airport as licensed for public use. The location of these airport zones of influence, and restrictions on the

use of land within said zones, are hereby established by these regulations. The boundaries of said zones, and restrictions on the use of land within said zones, shall be changed only through the amendment of these regulations by the city commission of the City of Gainesville.

Any application for land development within these airport zones of influence shall comply with these regulations, any applicable state or federal regulations, and any applicable requirements of the land development regulations of the City of Gainesville. The airport zones of influence established in these regulations include:

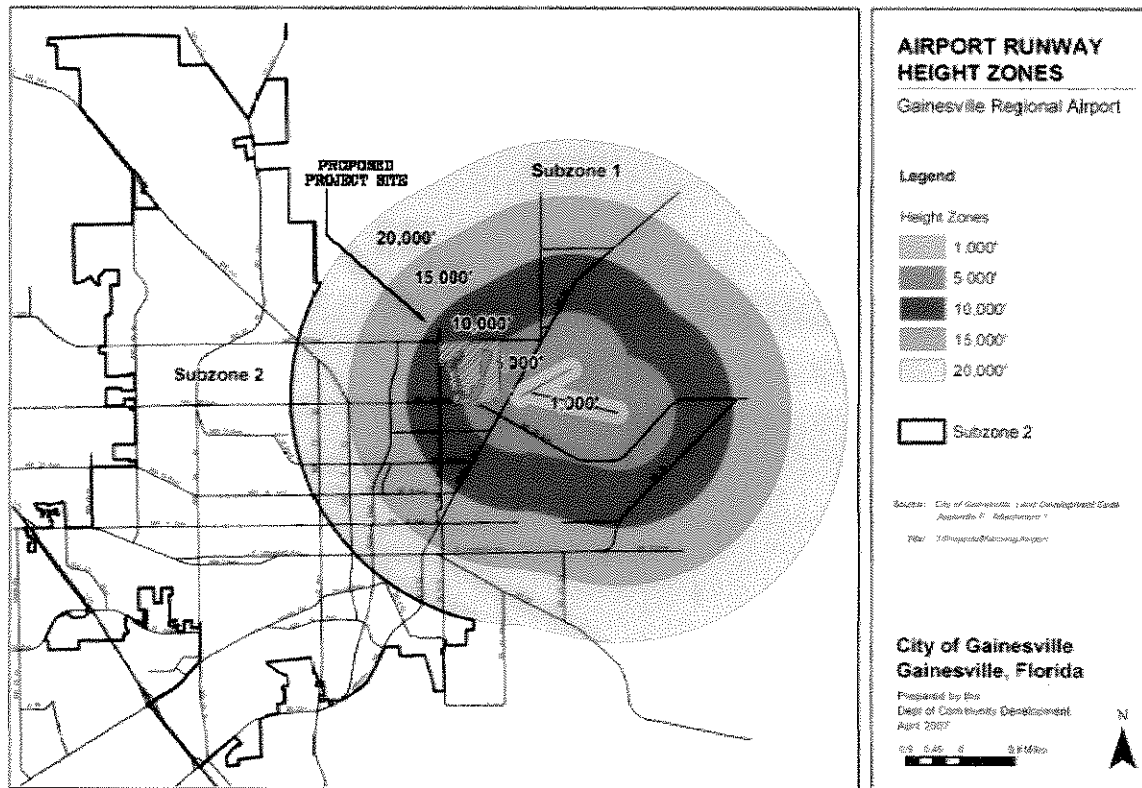
- the Airport Height Notification Zone;
- the Airport Runway Clear Zone; and
- the Airport Noise Zone.

A. Airport Height Notification Zone and Regulations.

1. *Establishment of Zone.* The Airport Height Notification Zone is hereby established as an overly zone on the adopted city zoning map atlas. The Airport Height Notification Zone is established to regulate the height of structures and objects of natural growth in areas around the Gainesville Regional Airport. The Airport Height Notification Zone consists of two subzones, defined as follows:

Airport Height Notification Subzone 1: The area surrounding the Gainesville Regional Airport extending outward 20,000 feet from the ends and each side of all active runways.

The subject property is located in Subzone 1, as indicated in the following exhibit (Attachment 1):



Airport Height Notification Subzone 2: The area within the city limits not within Airport Height Notification Subzone 1.

According to the description above, the subject property is not located in Subzone 2.

For the Gainesville Regional Airport the boundary of the Airport Height Notification Zone established in these regulations is based on the runway configuration which is planned and documented as such in its approved airport layout plan.

Refer to the Airport Height Notification Zoning maps attached and made a part of these regulations in Attachment 1. The boundary of the Airport Height Notification Zone shall be amended as necessary to reflect any changes in the documentation of the runway configuration on which said zone is based.

In the event a discrepancy arises between an Airport Height Notification Zone boundary depicted on the maps attached at Attachment 1 and an Airport Height Notification Zone boundary located by application of the definition of said boundary as set forth in these regulations, the boundary as prescribed by the latter shall prevail.

2. Airport Height Notification Regulations.

a. All development proposals for land lying within an Airport Height Notification Zone shall be reviewed for conformance with the federal obstruction standards contained in Title 14 of the Code of Federal Regulations (CFR), Part 77, for civil airports.

So noted.

b. A proposed development shall be considered a "potential airport obstruction," if the proposed development would result in a structure or object of natural growth having a height that would exceed:

an imaginary surface extending outward and upward from the ends and sides of a runway at a slope of one foot vertically for every 100 feet horizontally, for a distance of 20,000 feet, in Airport Height Notification Subzone 1; or 200 feet above ground level in Airport Height Notification Subzone 2.

The proposed development is approximately 5,000 feet from the runway, as indicated in the previous exhibit. Therefore, the maximum height allowed in the residential portion of the proposed development will be limited to 50 feet to not be considered a "potential airport obstruction." The underlying zoning designations of RSF-1 & RSF-4 restrict the maximum building height to 35 feet. Therefore, no proposed structures shall be considered a "potential airport obstruction." In addition, the proposed landscape plan shall include landscape plantings that will not exceed the 50 foot height restriction.

c. The applicant for any land development proposal determined to result in a structure or object of natural growth that constitutes a "potential airport obstruction" shall be issued a Notice of Potential Airport Obstruction during the development review process by the Planning Division. No land development proposal determined to result in a structure or object of natural growth that constitutes a potential airport obstruction shall be approved for construction unless: an Airport Obstruction Permit is issued by the city manager or designee; or The Board of Adjustment grants an Airport Obstruction Variance, if applicable.
Not applicable.

d. Any land development proposal that has been determined to include no "potential airport obstruction" is exempt from any Airport Height Notification Zone permitting and variance requirements contained herein.

Not applicable.

3. *Airport Obstruction Permit Procedures and Criteria for Approval.* Any applicant receiving a Notice of Potential Airport Obstruction may apply to the Planning Division for an Airport Obstruction Permit.

The maximum height of the proposed residential structures of 35 feet (as determined by the existing RSF-1 and RSF-4 zoning districts) are below the height considered to be a potential airport obstruction (50 feet). Therefore, an Airport Obstruction Permit procedures do not apply.

a. *Procedures for Obtaining an Airport Obstruction Permit.*

i. The applicant shall submit a completed Airport Obstruction Permit application, as provided by City, and shall provide documentation that the required Notice of Proposed Construction or Alteration has been filed with the Federal Aviation Administration (FAA). The city manager or designee may consider permit requests concurrent with the development plan approval consideration.

ii. Prior to any such permit request being scheduled for consideration by the city manager or designee, the applicant shall submit a copy of the final written Determination, as issued by the FAA based on its review of the applicant's Notice of Proposed Construction or Alteration, in accordance with the provisions of 14 CFR Part 77.

Not applicable

b. *Criteria for Granting an Airport Obstruction Permit.*

i. If the FAA has reviewed a proposed land development and determined it would not exceed any federal obstruction standard contained in 14 CFR Part 77, the city manager or designee shall grant an Airport Obstruction Permit for the proposed development. The permit shall include conditions to ensure the installation, operation, and maintenance of appropriate obstruction marking, lighting, and/or flagging, if such obstruction marking, lighting, and/or flagging is required by either Chapter 14-60, Florida Administrative Code, or by the FAA in its written Determination. No Airport Obstruction Permit shall be issued after the expiration date indicated on the FAA's written Determination. Each Airport Obstruction Permit issued shall specify a reasonable expiration date as a condition.

Not applicable

ii. Where the FAA has reviewed a proposed land development and determined it would exceed the federal obstruction standards contained in 14 CFR Part 77, no Airport Obstruction Permit shall be granted by the city manager or designee. In order for the proposed land development to proceed, an applicant must apply for and obtain an Airport Obstruction Variance from the Board of Adjustment of the City of Gainesville.

Not applicable

4. *Airport Obstruction Variance Procedures and Criteria for Approval.*

The Airport Obstruction Variance Procedures are not applicable for the reasons listed above.

a. *Procedures for Obtaining an Airport Obstruction Variance.*

i. The applicant shall submit to the Planning Division a completed Airport Obstruction Variance application, as provided by the City. At the time of filing an Airport Obstruction

Variance application, the applicant must provide proof to the city that a copy of said application has been forwarded by certified mail, return receipt requested, to the Florida Department of Transportation (FDOT) Central Aviation Office in Tallahassee, Florida. The FDOT shall have 45 days from the receipt of the application to provide comments to the Board of Adjustment, after which time its right is waived. The Board of Adjustment may approve, deny or approve the application with conditions.

ii. Prior to the variance request being scheduled for consideration by the Board of Adjustment, comments must be received from the FDOT or the applicant must submit a copy of the return receipt showing that the FDOT has waived its right to comment. In addition, the applicant shall submit to the Planning Division the following:

a copy of the notice of proposed construction form submitted to the FAA; and a copy of the final written Determination issued by the FAA, based on its review of the applicant's Notice of Proposed Construction or Alteration, in accordance with the provisions of 14 CFR Part 77.

b. *Criteria for Granting an Airport Obstruction Variance.*

i. The Board of Adjustment shall consider the criteria enumerated in Section 333.025(6), Fla. Stat., in its consideration of an Airport Obstruction Variance request.

ii. The Board of Adjustment may grant an Airport Obstruction Variance if it determines that:

a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship and that the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these regulations and ch. 333, Fla. Stat., and the proposed development can be accommodated in navigable airspace without adverse impact to Gainesville Regional Airport aviation operations.

iii. In granting an Airport Obstruction Variance, the Board of Adjustment may prescribe appropriate conditions, requirements and safeguards in conformity with these regulations and the intent hereof, including avigation easements if deemed necessary.

B. *Airport Runway Clear Zone and Regulations.*

1. *Establishment of Zone.* There is hereby established the Airport Runway Clear Zone as an airport zone of influence. The Airport Runway Clear Zone is established to regulate the uses of land lying in specified areas above which aircraft must routinely operate at low altitudes and climb from or descend to the runways of the Gainesville Regional Airport. Within the Airport Runway Clear Zone, certain land uses are restricted or prohibited due to land use characteristics which could result in further death, injury, and property damage in the event of an aircraft accident, as such areas are more likely, statistically, to be exposed to accidents involving aircraft climbing from, or descending to, the runway at low altitudes.

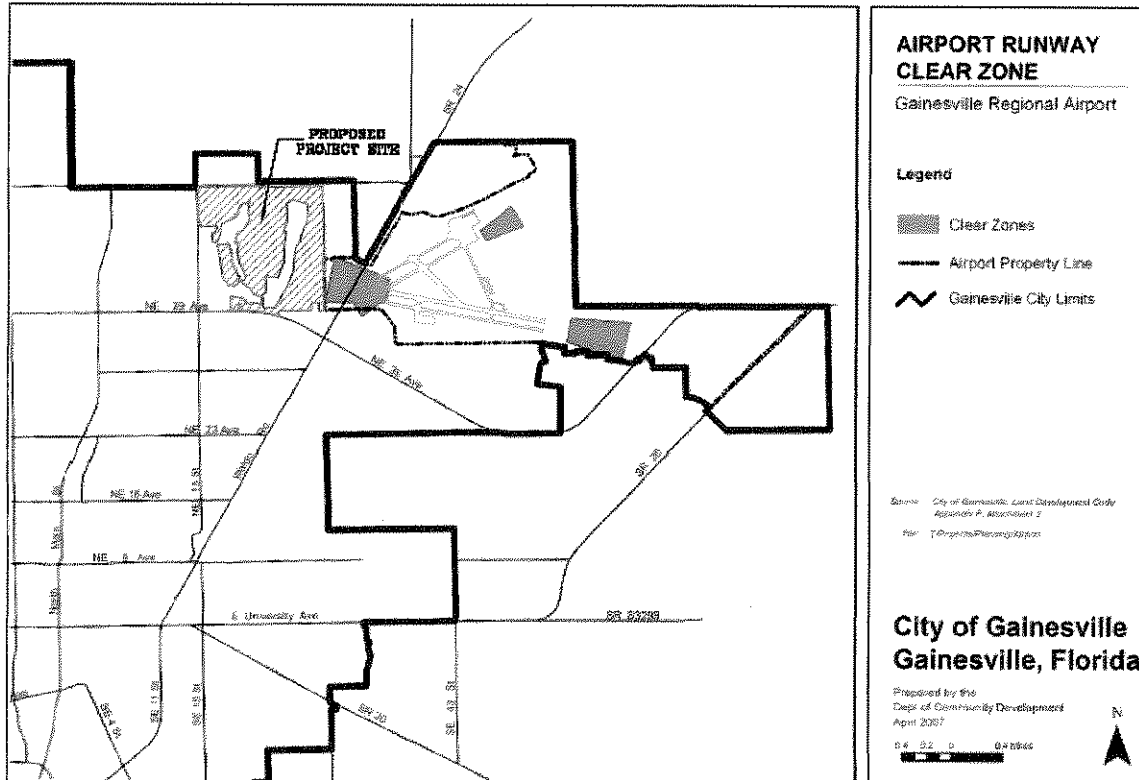
The Airport Runway Clear Zone includes the area over which aircraft routinely operate at altitudes of 50 feet or less above the runway end elevation, and is defined as follows:

That portion of the Approach Surface, as defined by 14 CFR Part 77.25(d), that extends outward from, and perpendicular to, its common boundary with the Primary Surface, as defined in 14 CFR Part 77.25(a), for a horizontal distance of:

1,000 feet for utility/visual runways,
1,700 feet for non precision instrument/other-than-utility runways, and
2,500 feet for precision instrument runways.

The Airport Runway Clear Zone is shown on the maps attached as Attachment 2. In the event a discrepancy arises between an Airport Runway Clear Zone boundary depicted on the maps attached as Attachment 2 and an Airport Runway Clear Zone boundary located by application of the definition of said boundary as set forth in these regulations, the boundary as prescribed by the latter shall prevail.

The proposed development is not located within the limits of the Airport Runway Clear Zone, as indicated on the following exhibit (Attachment 2):



2. Airport Runway Clear Zone Regulations.

a. *Prohibited uses.* The following types of land uses shall be prohibited within the established Airport Runway Clear Zone:

educational facilities (including all types of schools, pre-schools, and child-care facilities); hospitals, medical and health-related facilities; places of religious assembly; hotels and motels (including transient lodging, recreational vehicle and mobile home parks); and other similar land uses wherein or whereabouts persons are concentrated or assembled;

Not applicable.

b. *Allowable uses.* Any use that is not prohibited in an Airport Runway Clear Zone as determined above, is allowable within such zone, subject to compliance with applicable Airport Noise Zone and zoning district regulations.

Not applicable.

C. Airport Noise Zone and Regulations.

1. *Establishment of Zone.* There is hereby established the Airport Noise Zone as an airport zone of influence. The Airport Noise Zone is established around the Gainesville Regional Airport to regulate land uses sensitive to sound levels generated by the routine operation of the Airport. Within the Airport Noise Zone, land use restrictions and special construction standards are established to minimize impacts of airport-generated noise.

The Airport Noise Zone consists of three subzones, defined as follows:

Airport Noise Subzone A: The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 75 Ldn.

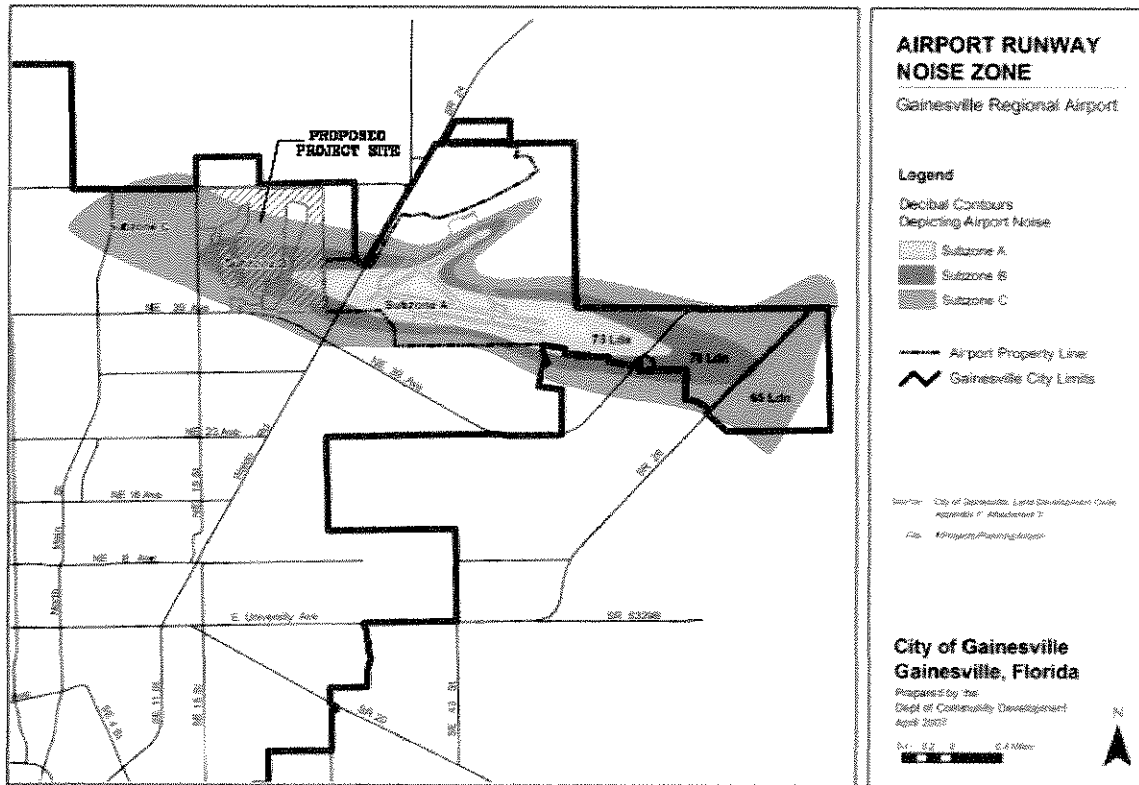
Airport Noise Subzone B: The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 70 Ldn, excluding Subzone A.

Airport Noise Subzone C: The area commencing at the airport reference point and extending outward therefrom to that boundary which approximates a day/night average sound level of 65 Ldn, excluding Subzones A and B.

For the Gainesville Regional Airport, the boundary of the Airport Noise Zone established in these regulations is based on the forecast of day/night average sound levels documented in its approved airport master plan or airport layout plan, or both.

Refer to the Airport Noise Zone maps attached and made a part of these regulations as Attachment 3. The boundary of any Airport Noise Zone shall be amended as necessary to reflect any changes in the documentation of forecast day/night average sound levels on which said zone is based. Notwithstanding other provisions of this section, should the Gainesville Regional Airport amend its official 14 CFR Part 150 study, the boundaries of the Airport Noise Zones shall be modified to comply with the amended official noise study.

The Airport Noise Zone in the City's Appendix F (see attachment 3 below) does not apply to this site since the City has been required to replace the map in Appendix F with either the 2007 noise map or the 2012 noise map and there is no 65+ dB DNL on the residentially zoned portion of the property. If any residentially zoned property was actually in the Airport Noise Zone (65+ dB DNL), the developer would have the option of: (i) building to a 25 dB NLR, or (ii) providing an aviation easement only for the development area in the 65+ dB DNL.



2. *Airport Noise Zone Land Use Regulations.* The provisions of this section shall apply to the construction, expansion, alteration, moving, repair, replacement, use, and changes of use or occupancy of any occupied structure located within any Airport Noise Zone defined by these regulations. Said structures include those that exist within any Airport Noise Zone as of May 10, 1999, those which are thereafter moved into or within any Airport Noise Zone, and those proposed to be constructed within any Airport Noise Zone.

a. *Existing Structures.* Structures located within any Airport Noise Zone at the time of the adoption of these regulations to which additions, expansions, alterations, repairs, replacement, and changes of use or occupancy are made shall comply with the requirements of these regulations, with the following exceptions:

Structures for which the cost of such additions, alterations, or repairs made within any five year period does not exceed 50 percent of the value of such structures;

Nonstructural alterations or repairs of such structures for which the cost of such alterations or repairs does not exceed 50 percent of the value of such structures may be made with the materials of which such structures are constructed, if otherwise allowed; or

Structures for which no more than 50 percent of the roof covering of such structures is replaced within any three-year period.

b. *Moved Structures.* Structures moved into or within any Airport Noise Zone defined by these regulations shall comply with requirements of these regulations before permanent occupancy is permitted.

c. *New Structures.* New structures proposed within any Airport Noise Zone defined by these regulations shall comply with the requirements of these regulations before permanent occupancy is permitted.

d. *Permitted Uses.* The following uses shall be permitted within the established noise overlay zone, unless prohibited by Airport Runway Clear Zone or zoning district regulations:

- Governmental Services
- Transportation
- Off-Street Parking
- Offices, business and professional
- Wholesale and retail building materials, hardware and farm equipment
- Retail trade - general
- Utilities, Heavy or Limited
- Communications
- Manufacturing - general
- Photographic and optical services
- Mining and fishing, resource production and extraction
- Nature exhibits and zoos
- Amusement parks, resorts and camps
- Golf courses, riding stables and water recreation
- Agricultural operations
- Similar uses, as determined by the city manager or designee

e. *Restricted Uses and Criteria.* The following uses shall be permitted within the established noise overlay zone, (unless prohibited by Airport Runway Clear Zone or zoning district regulations) only if the proposed development complies with the applicable criteria described below and is compatible with the Official 14 CFR Part 150 study:

i. *Child Care, Transient Lodgings, Educational Centers, Residential (other than mobile homes), and similar uses.* Developers of proposed child care facilities, transient lodgings, educational centers and residential uses (other than mobile homes) shall verify to the city in writing that proposed buildings are designed to achieve an outdoor to indoor noise level reduction (NLR) of at least 25 decibels. (Normal residential construction can be expected to provide an NLR of 20-25 decibels).

As previously indicated, this section of the code should not apply to this proposed project. However, even if the project was considered to be located within the Airport Noise Zone, residential development is permitted in this zone with construction standards that achieve an outdoor to indoor noise level reduction (NLR) of at least 25 decibels.

ii. *Hospitals, Homes for the Aged, Places of Religious Assembly, Auditoriums, Concert Halls and similar uses.* Hospitals, homes for the aged, places of religious assembly, auditoriums and concert halls shall verify to the city in writing that proposed buildings are designed to achieve an outdoor to indoor noise level reduction (NLR) of at least 25 decibels.

Not applicable.

iii. *Outdoor Sports Arenas, Spectator Sports and similar uses.* Outdoor sports arenas and spectator sports facilities must be constructed with special sound reinforcement systems consistent with building code regulations.

Not applicable.

In lieu of providing written verification that a proposed building is designed for an NLR of 25 decibels (as stated in i and ii above), a developer may execute and record an avigation easement as provided in subsection i. below.

f. *Prohibited Uses.* Uses that are not specified in this subsection as permitted or restricted are prohibited within the Airport Noise Zone.

Not applicable.

g. *Appeals.* Determinations by the planning and development services department, relating to use interpretations involving sections "d." or "e." or "f." above, may be appealed to the Board of Adjustment by an applicant or any aggrieved person, taxpayer affected, governing body of a political subdivision, or FDOT. All such appeals to the Board of Adjustment shall be filed, reviewed, and heard in a manner consistent with sections 333.08 and 333.10 of the Florida Statutes.

Not applicable.

h. *Avigation Easements.* An avigation easement is a legal document that grants to the owner/operator of a nearby airport a right to continue to operate the airport in a manner similar to current operations, despite potential nuisance effects upon uses that are being established in close proximity to the airport. Applicants choosing to provide an avigation easement shall execute said easement to the Gainesville-Alachua County Regional Airport Authority. The easement shall be in a form acceptable to the city attorney and airport authority and shall be executed in a recordable form by the property owner:

- prior to release of a development site plan,
- prior to or via recording of a final plat, or
- prior to issuance of a building permit, as applicable.

The property owner shall record the easement and provide a copy of it to the city and to the airport authority.

As previously indicated, this section of the code should not apply to this proposed project. However, even if the project was considered to be located within the Airport Noise Zone, residential development is permitted in this zone with the recording of an avigation easement as indicated above.

III. Special Requirements.

Notwithstanding any of the provisions of this section, no use of land, air or water shall be made in such a manner to interfere with the operation of any airborne aircraft or aircraft operation at the Gainesville Regional Airport. The following special requirements shall apply to proposed developments.

A. *Aircraft Bird Strike Hazard.* No land use shall be permitted to store, handle, or process organic or any other materials that foster or harbor the growth of insects, rodents, amphibians, or other similar organisms, in such a way as to significantly increase the potential for aircraft bird strike hazard to aircraft operations at the Gainesville Regional Airport:

- within 10,000 feet of the nearest point of any runway used or planned to be used by turbine powered aircraft;
- within 5,000 feet of the nearest point of any runway used or planned to be used only by conventional piston engine powered aircraft;
- within the lateral limits of the airport imaginary surfaces defined in 14 CFR Part 77.25; or in locations where the passage of a significant volume of bird traffic originating from or

destined to bird feeding, watering, or roosting areas is induced across any Primary Surface or Approach Surface, as defined in 14 CFR Part 77.25 (c) and 14 CFR Part 77.25 (d), respectively, of the airport.

Not applicable.

B. *In-Flight Visual or Electronic Interference.* No land use shall produce smoke, steam, glare, or other visual impairment within three statute miles of any runway of the Gainesville Regional Airport. Furthermore, no land use shall:

produce electronic interference with navigation signals or radio communications of any airborne aircraft or aircraft operations at the airport;

utilize high energy beam devices that interfere with aircraft operations at the airport, and for which such energy transmission is not fully contained within a structure, or absorbing or masking vessel; or

utilize lights or illumination arranged or operated in such manner that either misleads or obscures the vision of pilots during take-off and landing stages of aircraft operations at the airport.

Proposed developments which produce light or illumination, smoke, glare or other visual hazards, or produce electronic interference with airport/airplane navigation signals are subject to the standards specified in the FAA Procedures Manual 7400-2C, consistent with Chapter 333.03(3), Fla. Stat., as may be applied and enforced by the state and/or federal governments.

Not applicable.

C. *Restrictions on the Educational Facilities of Public and Private Schools.*

1. *Educational Facilities Restricted.* The construction of any educational facility of a public or private school, with the exception of aviation school facilities, is restricted within an area that extends five miles out from either end of any runway, along the extended runway centerline, and which has a width measuring one-half the length of the longest runway of the Gainesville Regional Airport. Refer to the Restrictions on the Educational Facilities of Public and Private Schools map attached and made a part of these regulations in Attachment 4.

Not applicable.

2. *Existing Educational Facilities.* These restrictions shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on May 10, 1999, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in Section 235.19, Florida Statutes, as of May 10, 1999 [1999].

Not applicable.

3. *Exceptions.* Exceptions approving construction of an educational facility within the delineated area(s) shall only be granted when the Board of Adjustment makes specific findings detailing how public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

Not applicable.

4. *Criteria for Granting Exceptions.* The Board of Adjustment shall consider, at a minimum, the following criteria in determining whether or not to grant exceptions approving construction of educational facilities within the delineated area(s):

Physical attributes of the proposed site, including the nature of the terrain and topography, and the density of planned/existing land uses;
Situation of the proposed site relative to other geographic features, either natural or man-made, and other planned/existing land uses and activities;
Public and private interests and investments;
Safety of persons on the ground and in the air;
Any other applicable airport zoning restrictions;
Availability of alternate sites;
Any unique attributes of the proposed site;
Planned approach type of the runway: either precision instrument, nonprecision instrument, or visual;
Type(s) of aircraft using the runway, including the number and type of engine(s) used by, and gross weight of, aircraft; and
Inbound approach or outbound departure bearing relative to the extended runway centerline.
Not applicable.

IV. Determination of Boundaries.

In determining the location of airport zone of influence boundaries, the following rules shall apply:

Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys as they exist on May 10, 1999, shall be the airport zone boundary;

Where boundaries are shown to enter or cross platted lots, property lines of lots as they exist on May 10, 1999, shall be the airport zone boundary;
Notwithstanding the above, where boundaries are shown on any platted lot, provisions of the more restrictive airport zone shall apply;

Where boundaries are shown on unsubdivided property of less than five acres in area, provisions of the more restrictive airport zone shall apply; and

Where boundaries are shown on unsubdivided property of five or more acres in area, the location shall be determined by the Airport Noise Zone boundary shown in Attachment 3, or the Airport Height Notification Zone or Airport Runway Clear Zone boundary located by application of the definition of said zone boundaries set forth in these regulations.

Not applicable.

V. Nonconforming uses.

No land use may be permitted in any airport zone of influence unless it conforms to the specific limitations set forth in these regulations. The requirements of these regulations shall not be construed to necessitate the removal, lowering, alteration, or other change of any nonconforming use existing as of May 10, 1999. Any nonconforming use that is an object of natural growth shall not be allowed to exceed the height of said object as it was on May 10, 1999, unless permitted by the city manager or designee. Nothing in these regulations should be construed to require sound conditioning or other alteration of any nonconforming use.

The provisions of Section 30-346 of the land development regulations also apply to non-conformities.

Not applicable.

VI. Future Uses.

No change shall be made in the use of land, and no structure shall be altered or otherwise established in any airport zone of influence created by these regulations except in conformance with the requirements of this section.

Not applicable.

VII. Judicial Review.

Any person aggrieved by any decision of the Board of Adjustment regarding these regulations may appeal to the Circuit Court as provided by Section 333.11, Fla. Stat.

Not applicable.

VIII. Conflicting Regulations.

Where there exists a conflict between any of the requirements or limitations prescribed in these regulations and any other requirements, regulations or zoning applicable to the same area, whether the conflict be with respect to the height of structures or objects of natural growth, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. The variance to or waiver of any such more stringent limitation or requirement shall not constitute automatic variance or waiver of the less stringent limitations or requirements of these regulations.

Not applicable.

IX. Severability.

If any of the provisions of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations that can be given effect without the invalid provisions or applications, and to this end the provisions of these regulations are declared to be severable.

Not applicable.

X. Penalties.

In addition to other remedies for violation of these regulations provided in the Land Development Code, the City may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of chapter 333, Fla. Stat, these regulations, or any order or ruling made in connection with their administration or enforcement. The court shall adjudge to the City such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of ch. 333, Fla. Stat. and of these regulations, and the orders and rulings made pursuant thereto.

Not applicable.

Comprehensive Plan Consistency

FUTURE LAND USE ELEMENT

Objective 1.2 Protect and promote viable transportation choices (including transit, walking and bicycling, and calmed car traffic).

Policy 1.2.5 The City should encourage creation of short-cuts for pedestrians and bicyclists with additional connections and cross access in order to create walking and bicycling connections between neighborhoods and neighborhood activity centers.

Policy 1.2.7 The City should strive, incrementally, and when the opportunity arises street by street – to form an interconnected network of neighborhood streets and sidewalks supportive of car, bicycle, pedestrian, and transit routes within a neighborhood and between neighborhoods – knitting neighborhoods together and not forming barriers between them. Dead ends and cul-de-sacs should be avoided or minimized. Multiple streets and sidewalks should connect into and out of a neighborhood.

Consistency: The proposed subdivision design includes an interconnected network of neighborhood streets and sidewalks that support multiple pedestrian and bicycle options throughout the development. Sidewalks are provided on both sides of all internal streets and a trail network is also included in the proposed greenway system. In addition, non-vehicular interconnectivity is proposed between the proposed subdivision and Ironwood Golf Course to the east. Non-vehicular and vehicular access shall be provided to the existing Ironwood Golf Course Village to the west.

Policy 1.2.9 The City shall require, on long block faces (480 or more feet), the provision of intermediate connections in the pedestrian network.

Consistency: The proposed subdivision will provide intermediate connections in the pedestrian network at a minimum of every 480 feet.

Policy 2.1.5 The City shall strive to implement certain land use-related elements of Plan East Gainesville, including but not limited to:

- a. Establishing a three-tiered land use transect for east Gainesville to transition land development regulations from urban to suburban to rural.

Consistency: The proposed residential subdivision will support the goals of Plan East Gainesville by providing a quality urban development within walking and bicycling distance to the targeted redevelopment areas within the plan.

Policy 3.1.1 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: (see environmental report prepared by ERC for detailed analysis)

a. Creeks

Consistency: The appropriate setbacks have been provided for all regulated creeks.

b. Wetlands

Consistency: The subject property contains wetland areas that have been evaluated by an environmental consultant (ERC), City staff and the St. Johns River Water Management District. A majority of these wetlands will be set aside from development area and the areas to be impacted will do so in compliance with the wetland ordinance in the City Land Development Regulations.

c. Lakes

Consistency: No lakes are located on the subject property.

d. Wellfields

Consistency: The subject property is located within the wellfield protection area. Residential subdivisions are exempt from wellfield special use permit requirements (see LDC Sec. 30-201) if they area served by centralized water and sewer service (as proposed in this application).

e. Major Natural Groundwater Recharge Areas

Consistency: No major natural groundwater recharge areas are located on the subject property.

f. Upland Areas

Consistency: The required ecological inventory is included in this application.

Policy 3.1.4 The City shall protect floodplain areas through existing land development regulations that:

- 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 material in the flood channel
- e. Prohibit development within the floodplain that would reduce the capacity of the floodplain
- f. Prohibit development that would exacerbate post-development soil erosion, create stagnant water, or cause irreversible harmful impact of flora and fauna
- g. Limit flood channel uses to agriculture, conservation, recreation, lawns, yards, gardens and parking areas
- h. Limit floodplain uses to any launching areas for boats and structures to at least one foot above the 100-year flood elevation in addition to those allowed in the flood channel

Consistency: A master stormwater system is part of the proposed project. The master storm water system meets all applicable requirements of the City of Gainesville the St. Johns River Water Management District.

Policy 4.1.1 Land use categories on the Future Land Use Map shall be defined as follows:

Single-Family (up to 8 units per acre)

The land use category shall allow single family detached dwellings at densities up to 8 dwelling units per acre. The Single Family land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development.

Consistency: The subject property has an underlying future land use designation of Single Family. The proposed residential subdivision is an allowable use in this designation and the proposed density (2.56 units per acre) is below the maximum of 8 units per acre.

Policy 4.2.2 The City shall adopt land development regulations that encourage better access between residential neighborhoods and adjacent neighborhood centers through the use of street design and the use of pedestrian, bicycle and transit modifications.

Consistency: The proposed subdivision provides pedestrian interconnectivity between the proposed subdivision and to the Ironwood Golf Course Village residential development to the west. In addition pedestrian and vehicular connections are proposed to the existing Ironwood Golf Course to the east. In addition, the proposed greenway internal to the project also provides pedestrian and bicycle mobility options that are other than along a public street. The proposed street network does provide sidewalks along both sides.

TRANSPORTATION MOBILITY ELEMENT

Objective 1.2 Ensure that future land use map designations promote transportation objectives by designating residential development of sufficient density in appropriate locations to support transportation choice.

Consistency: The proposed subdivision has a Single Family future land use designation, which permits residential urban development up to 8 units per acre. The project has direct access to two arterial streets and provides pedestrian interconnectivity to the Ironwood Golf Course and the existing Ironwood Golf Course Village to the west. Mass transit service is available through RTS Route 15 at the intersection of NE 39th Avenue and NE 15th Street.

2.1.10 In new development or redevelopment, walking and bicycling shall be promoted by establishing modest, human-scaled dimensions such as small street blocks, pedestrian-scaled street and building design, ample sidewalks to carry significant pedestrian traffic in commercial areas.

Consistency: The proposed subdivision promotes walking and bicycling amenities through the construction of sidewalks on both sides of all streets and a trail network along the proposed greenway system. In addition, the subdivision design proposes small street blocks with pedestrian-friendly features that promote human scaled dimensions. This

layout is designed in concert with the environmentally sensitive features that further enhance the aesthetic quality of the project.

Objective 4.1 Strive to increase the number of bicycle trips within city limits.

Goal 5 Develop an interconnected trails network throughout the urban area.

Consistency: The subdivision layout includes an interconnected trail network in conjunction with a proposed greenway that links sections of the development. The greenway provides these pedestrian and bicycle mobility options that are designed to allow residents to enjoy aesthetic features such as creeks, wetlands, etc.

Policy 9.2.1 The City's Future Land Use Element shall designate compatible land uses within the vicinity of the airport.

Consistency: The proposed residential subdivision is consistent with the underlying future land use designation of Single Family, which was applied to the property by the City of Gainesville. Following the annexation of this property into the City of Gainesville, this designation was applied to the subject property by the City in 2003 from the County designations of Low Density Residential and Commercial.

HOUSING ELEMENT

Overall Goal Make available conditions that encourage a sufficient supply of adequate, decent, safe, sanitary, healthy and cost-effective rental and owner-occupied housing for all income groups.

Consistency: This proposed urban infill project will utilize the existing urban land use and zoning designations and will provide a variety of lot sizes that will increase the housing stock in the City.

Policy 4.1.1 The City shall encourage infill housing and cluster subdivisions in order to protect environmentally sensitive lands and to promote energy conservation.

Policy 4.1.2 The City shall continue to have Land Development Regulations that guide the siting, building orientation and landscaping of new housing developments to promote energy and water conservation, ensure compatibility with the surrounding area, minimize impacts on the environment, and enhance visual appeal.

Consistency: The proposed development is designed as an environmental cluster subdivision, which clusters the development away from the environmentally sensitive features on-site. This project protects these areas and also utilizes them as an aesthetic amenity for the subdivision.

CONSERVATION AND OPEN SPACE ELEMENT

Consistency: For a more detailed analysis, see environmental report prepared by ERC.

Goal 1 Establish and maintain an integrated and urban-defining open space network that protects and conserves key environmental features.

Policy 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.

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 the 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.

Consistency: The required setbacks from regulated creeks have been included in the subdivision design to protect these resources.

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.

Consistency: The proposed development demonstrates that it avoids loss of function or degradation of wetland habitat or wetland hydrology to the greatest extent possible. The report provided by ERC provides a detailed analysis of the type, size, location and quality of on-site wetlands.

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.

Consistency: The stormwater system incorporated into the proposed development has been designed to protect these environmental features and shall be consistent with all applicable City regulations and the permit requirements governed by the St. Johns River Water Management District.

Policy 2.2.5 The City shall 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 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

Consistency: The proposed subdivision design takes into account the applicable requirements regarding protection and restoration of existing creeks. Creeks are not to be dredged, channelized and creek banks will be protected.

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

- a. Setbacks from regulated creeks, lakes and wetlands

Consistency: The appropriate setbacks are included in the design.

- b. Prohibition of development that would cause erosion and sediment pollution to regulated creeks, lakes and wetlands

Consistency: The proposed development is designed to prevent erosion and sediment pollution of these features.

- c. No net increase in the rate of runoff from development sites adjacent to regulated creeks, lakes and wetlands

Consistency: The proposed development is designed to prevent an increase in the rate of runoff adjacent to these features.

- d. Retention and detention of the first inch of runoff of developments adjacent to regulated creeks, lakes and wetlands, through on-site filtration

Consistency: The proposed development is designed to retain and detain the first inch of runoff adjacent to these features.

- e. Retention of vegetation integral to the ecological value of regulated creeks, lakes and wetlands

Consistency: The project includes all required buffers and setbacks to retain essential vegetation.

- f. Compliance with the City's adopted criteria for controlling sediment and erosion

Consistency: The project will be developed in compliance with all sediment and erosion control criteria.

- g. Allowance of a transfer of development intensity and density from lower to higher elevations of a site

Consistency: The project is designed as an environmental cluster subdivision, which does transfer (cluster) density away from the environmentally sensitive areas to higher elevations.

- h. Prohibition on the installation of all septic tanks

Consistency: No septic tanks are proposed as part of this development.

Policy 2.4.10 The City shall protect floodplains through existing land development regulations 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 that would reduce the capacity of the floodplain
- f. Prohibit development 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
- 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.

Consistency: The proposed development has been designed to protect these environmental features and shall be consistent with all applicable City regulations and the permit requirements governed by the St. Johns River Water Management District. See the environmental report prepared by ERC for more specific information.

Policy 2.4.11 The City's land development regulations shall protect environmentally sensitive lands and resources by:

- a. Controlling permissible uses through regulatory overlay districts

Consistency: The proposed project is consistent with the Significant Ecological Communities District, which provides extra protections for environmentally sensitive lands.

- b. Providing opportunities for alternative and innovative site development

Consistency: The proposed development utilizes the cluster ordinance, which allows for development as an environmental cluster subdivision which protects greater amounts of environmentally sensitive areas.

- c. Providing setback and parking standards

Consistency: The proposed subdivision provides the required setbacks and buffers from environmentally sensitive areas, such as regulated creeks and wetland areas.

- d. Providing mandatory mitigation to ensure no net loss of acreage and functions when wetlands are unavoidably lost

Consistency: The proposed development provides mitigation to ensure that no net loss of acreage and functions of wetlands shall occur.

- e. Allowing for, or requiring the clustering of development away from environmentally significant resources

Consistency: The proposed development utilizes the cluster ordinance, which allows for development as an environmental cluster subdivision which protects greater amounts of environmentally sensitive areas.

f. Restricting on-site waste disposal systems

Consistency: The proposed development is a residential subdivision and will only utilize standard residential curbside pickup.

RECREATION ELEMENT

Goal 1 Provide sufficient park acreage, facilities, and recreation programs efficiently and in close proximity to urbanized areas.

Consistency: The proposed subdivision provides ample green space that can be utilized and enjoyed by the residents. Specifically, a proposed greenway will be dedicated to the City which will provide a trail network that runs along the boundaries of several existing creeks and wetlands and connects the subdivision to the adjacent subdivision and the City golf course.

URBAN DESIGN ELEMENT

Objective 1.3 Any additions or changes to the existing city street network pattern shall be designed to provide interconnected patterns that promote effective circulation of car, transit, bicycle, and foot traffic and to take some of the pressure off major arterial streets in the city as the city grows.

Policy 1.3.1 Gridded, interconnected street networks with a generally north-south, east-west orientation are encouraged. Streets should be connected with other streets to the maximum extent feasible.

Policy 1.3.2 Blocks are encouraged to be generally rectangular in shape. Block length and perimeter are encouraged to be modest.

Policy 1.3.4 The design of the street network shall make walking within the neighborhood and to neighborhood edges convenient and pleasant.

Consistency: The subdivision design provides features that enhances pedestrian mobility options. All internal streets shall have sidewalks along both sides and sidewalks will be provided to NW 39th Avenue, which has an RTS bus shelter. In addition, a greenway network is proposed to provide a trail network that allows residents to enjoy the natural features of the property. This pedestrian network will also provide interconnectivity opportunities between the existing Ironwood Golf Course Village to the west and the Ironwood Golf Course to the east.

Policy 1.6.1 The City shall continue efforts to acquire and reserve corridors for future trails throughout the city.

Policy 1.6.3 The City shall continue to obtain dedication of trail right-of way in designated trail corridors and other corridors.

Consistency: The proposed subdivision proposes a greenway that will provide a trail network within the development and will be dedicated to the City.

Objective 3.16 The City shall implement urban design policies for designated Gateway Corridors.

Policy 3.16.1 Gateways should convey a sense of arrival and departure.

Policy 3.16.3 Gateways should be free of visually obtrusive, human-built structures such as outdoor storage, auto sales and service, and junkyards, or other excessive clutter.

Policy 3.16.4 When feasible, gateway tree plantings should provide a tree canopy over the street through street trees, treed medians, or both. Plantings shall screen any utilities that remain, when feasible.

Consistency: The subject property is located adjacent to two designated Gateway Corridors and shall comply with the applicable requirements in the LDR's. The project shall be oriented internally and away from these corridors and will have a positive aesthetic impact. Little will be seen by motorists along these corridors other than landscaped areas. The project includes a landscaped area between these streets and the proposed subdivision and only one vehicular access point is proposed along each street.

Policy 3.16.5 Landscape maintenance should be minimized through design, plant selection, and water conservation.

Consistency: The landscape plan to be proposed as part of the subdivision has been prepared by a local certified landscape architect that incorporates the selection of native plant species that minimizes the need for maintenance and water usage.