

Legislative #

150113A

ORDINANCE NO. 150113

**An ordinance amending the Comprehensive Plan of the City of Gainesville, Florida, by deleting Policy 4.3.5 and its associated map concerning the Hatchet Creek Planned Use District from the Future Land Use Element; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, Section 163.3167, Florida Statutes, requires local governments to maintain a Comprehensive Plan to guide future development and growth; and

**WHEREAS**, notice was given as required by law that the Comprehensive Plan of the City of Gainesville be amended by deleting Policy 4.3.5 and its associated map concerning the Hatchet Creek Planned Use District from the Future Land Use Element; and

**WHEREAS**, the City Plan Board, which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on June 25, 2015, and voted to recommend that the City Commission approve this amendment to the Comprehensive Plan; and

**WHEREAS**, an advertisement no less than two columns wide by ten (10) inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days' advance notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

**WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this proposed amendment to the reviewing agencies and any other local government unit or state agency that requested same; and

**WHEREAS**, a second advertisement no less that two columns wide by ten (10) inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days' advance

notice of this ordinance’s second public hearing (i.e., adoption hearing) to be held by the City Commission; and

WHEREAS, public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

WHEREAS, prior to adoption of this ordinance, the City Commission has considered any written comments received concerning this amendment to the Comprehensive Plan.

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

Section 1. Policy 4.3.5 and its associated map concerning the Hatchet Creek Planned Use District are deleted in their entirety from the Future Land Use Element of the City of Gainesville Comprehensive Plan as follows:

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

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

- e. ~~The actual amount and types of residential units, ALF beds, and non-residential development area will be specified in the PD zoning ordinance as limited by the city, county and state development restrictions and constraints, including but not limited to, wetlands and surface water regulations, wellfield protection, floodplain requirements, concurrency and airport hazard zoning regulations.~~
  
- d. ~~The allowable uses within the PUD shall be restricted as described below and as more specifically provided in the PD zoning ordinance. For purposes of this PUD, the 60 75 DNL Noise Contour is the area depicted as the 60 DNL Noise Contour, the 65 DNL Noise Contour, the 70 DNL Noise Contour and the 75 DNL Noise Contour on Attachment 3 to the Appendix F Airport Hazard Zoning Regulations, Chapter 30, Gainesville Code of Ordinances adopted on December 3, 2009 by Ordinance 090384. A copy of Attachment 3 is attached hereto as Exhibit "B," which consists of the map entitled "Airport Noise Zone Map City of Gainesville" prepared by the City of Gainesville Planning Department GIS Section 08/09. The source of the map is the Pt. 150 Study 2012 Noise Exposure Map, as stated on the map.~~
  - 1. ~~Within the 60 75 DNL Noise Contour, subject to the Airport Hazard Zoning Regulations:~~
    - (a) ~~No residential development, including ALF beds, is allowed.~~
  
    - (b) ~~Non-residential (retail, office and accessory uses to residential) development is allowed, as well as recreational facilities as accessory uses that are customarily and clearly incidental to a residential community or parks, open space, conservation, open space buffers and mitigation areas; except that on lands with the underlying land use designation of Industrial, the non-residential development shall be limited to certain Business Industrial (BI) zoning uses that are specified in the PD zoning ordinance.~~
  
  - 2. ~~Outside of the 60 75 DNL Noise Contour, subject to the Airport Hazard Zoning Regulations, to the extent same are applicable:~~
    - (a) ~~Residential development, including ALF beds, is allowed.~~

- (b) ~~Non-residential (retail, office and accessory uses to residential) development is allowed, as well as recreational facilities as accessory uses that are customarily and clearly incidental to a residential community or parks, open space, conservation, open space buffers and mitigation areas.~~
- e. ~~All non-residential areas in the PUD shall be connected to the residential areas in the PUD by an interior roadway system and/or a pedestrian/bicycle/golf cart system. All pedestrian sidewalk systems in the PUD shall comply with the Florida Accessibility Code for Building Construction requirements.~~
- f. ~~A current and complete wetlands survey for the entire property shall be submitted to the City of Gainesville and to the St. Johns River Water Management District at the time of application for PD zoning. Formal approval of wetland delineations for the entire property by the water management district is required prior to the public hearing on the PD zoning petition by the City Plan Board.~~
- g. ~~All direct impacts to jurisdictional wetlands, wetland buffers, and regulated creeks shall be avoided to the extent practicable. All unavoidable, direct wetland and creek impacts shall be mitigated in accord with applicable City of Gainesville and water management district requirements. Any required on-site mitigation will be part of and will not supersede other wetland mitigation requirements of the Comprehensive Plan, Land Development Code, and the water management district. There shall be no net loss of wetland acreage and function within the PUD. In addition, if wetland impacts are proposed at the time of application for PD zoning or a subsequent application for development approval, the owner/developer shall submit a plan for improvement of surface water and wetland function within the Planned Use District and, subject to City review and approval, the plan of improvement shall be incorporated into the PD zoning ordinance or subsequent development approval.~~
- h. ~~All pedestrian and/or bicycle pathways, trails, and sidewalks shall be located outside of wetland buffer areas and outside of creek buffer areas, except as may be established and shown for good cause by the owner/developer and then provided for in the PD zoning ordinance.~~
- i. ~~Protection of the State-listed animal species Gopher tortoise (*Gopherus polyphemus*) listed as a Species of Special Concern in Rule 68A-27.005, F.A.C., located in the remnant sandhills east of the Ironwood Golf Course, and documented in the applicant's Hatchet Creek Planned Use District Report dated March 2007, is required and shall~~

~~be established in the PD zoning ordinance. Protection of the documented population may be accomplished by establishing a designated protection area in the PD zoning ordinance that meets all applicable requirements of the City's Land Development Code and all applicable requirements of the Florida Administrative Code.~~

- ~~j. The owner/developer shall submit a report (in accordance with the requirements of the environmental regulations in the City's Land Development Code) with the application for PD zoning. As part of this report, the highest quality uplands shall be delineated and development within these high quality areas shall be restricted.~~
- ~~k. The application for PD district zoning shall include requirements for the use of native vegetation landscaping and for the removal of invasive trees and shrubs.~~
- ~~l. A master stormwater management plan for the entire PUD shall be prepared by the owner/developer. The plan shall include provisions for protecting the water quality of Little Hatchet Creek, particularly with respect to stormwater runoff from any future development within the planned use district. A conceptual master stormwater management plan application shall be submitted at the time of application for PD zoning. The subsequent master stormwater management plan must be approved by the City Manager or designee prior to final development plan approval. The master stormwater management plan for the project shall be modified for undeveloped phases in order to comply with the statewide water quality rule once it is adopted. The water quality leaving the site shall be addressed in the PD zoning ordinance.~~
- ~~m. Buffer and setback requirements for the wetlands and creeks in the PUD shall be specified in the PD zoning ordinance and shall be in accordance with the environmental regulations in the City's Land Development Code, based upon review of the required report that shall be submitted with the application for PD zoning.~~
- ~~n. Buffer requirements pertaining to adjacent uses (including the municipal golf course) will be provided by the owner/developer in the application for PD zoning and, subject to City review and approval, shall be included in the PD zoning ordinance. These buffers shall be designed to minimize the impact on and adequately buffer the adjacent uses.~~
- ~~e. The PUD shall not vest the development for concurrency. The owner/developer is required to apply for and meet concurrency management certification requirements at the time of application for PD zoning.~~

- ~~p. Internal roadways shall be designed to provide for bicycle and pedestrian access and connectivity, and shall include traffic calming (low design speed) methods (e.g., speed tables, speed humps, “neck-downs”, roundabouts) acceptable to the City of Gainesville in accordance with the traffic calming practices outlined by the Institute of Transportation Engineers.~~
- ~~q. Sidewalks shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the existing and planned public sidewalks along the development frontage. All sidewalks and sidewalk connections shall be a minimum of 5 feet in width, except as may be established and shown for good cause by the owner/developer and then provided for in the PD zoning ordinance.~~
- ~~r. The PUD shall provide for transit access (either on site or on abutting roadways) and shall include construction of an appropriate number of transit shelters, as determined at the PD zoning stage and specified in the PD zoning ordinance.~~
- ~~s. A limited number of drive-through facilities shall be allowed on the street frontages of NE 53rd Avenue and NE 39th Avenue as determined at the PD zoning stage and specified in the PD ordinance. No direct access from NE 39th Avenue or NE 53rd Avenue shall be allowed for these drive-through facilities. All access to the drive-through facilities shall be from the internal roadway system (the internal roadway system shall include public and private roads and internal driveway systems) in the PUD. Additional drive-through facilities that are entirely internal to the PUD shall be determined in the PD zoning ordinance. The PD zoning ordinance shall specify the design criteria for all drive-through facilities and shall include a phasing schedule to ensure a mix of drive-through facilities, residential uses, and other commercial/office uses in the planned use district. The trip generation associated with drive-through facilities shall limit the total number of drive-through facilities such that the total maximum trip generation shown for the 100,000 square feet of shopping center use as calculated by the traffic study dated 4/3/08 (prepared by GMB Engineers & Planners, Inc.) as updated 11/19/09 by MPH Transportation Planning, Inc. is not exceeded for the PUD.~~
- ~~t. A maximum of two access points, unless additional access points are approved by the FDOT and the City of Gainesville, shall be allowed along NE 39th Avenue, subject to the final approval of FDOT. Any proposed reconfiguration of the existing road connection to the Ironwood Golf Course is subject to FDOT and City approval at the PD~~



~~zoning stage. Boulevard type driveways with the ingress/egress split by a landscaped median and other entry type features shall count as a single access point. These access points shall be specified in the PD zoning ordinance.~~

- ~~u. — A maximum of two access points shall be allowed along NE 53rd Avenue unless additional access points are approved by Alachua County and the City of Gainesville, in accordance with the Alachua County Access Management regulations, and the locations shall be included in the PD zoning application. All access points are subject to Alachua County and City of Gainesville approval at the planned development zoning stage and shall be specified in the PD zoning ordinance. To minimize traffic impacts from the Hatchet Creek PUD on NE 53rd Avenue, the access points on NE 53rd Avenue shall be interconnected with the internal public or private road system in the Hatchet Creek development. The private road system interconnections shall be interpreted to include internal driveway systems.~~
- ~~v. — A maximum of one access point shall be allowed along NE 15th Street. Any proposed access point along NE 15th Street shall be included in the planned development district zoning application. Any proposed access point is subject to City of Gainesville approval at the planned development zoning stage, and shall be specified in the PD zoning ordinance.~~
- ~~w. — Additional, limited emergency access will be allowed if the need for such is identified and the access is approved by local government agencies that provide the emergency service(s), and shall be specified in the PD zoning ordinance.~~
- ~~x. — Prior to the application for PD zoning related to the planned use district, a major traffic study shall be submitted that meets the specifications provided by FDOT, Alachua County, and the City of Gainesville, and the traffic methodology used in the study shall be agreed to in a letter between the City, and the owner/developer. Any traffic studies undertaken by the owner/developer prior to the signed methodology letter with the City of Gainesville may be unilaterally rejected by the City.~~
- ~~y. — Prior to the application for PD zoning related to the Hatchet Creek planned use district, a signal warrant analysis for the intersection of NE 53rd Avenue/NE 15th Street and for the project driveway at NE 39th Avenue shall be submitted as part of the major traffic study requirements. The specifications for the signal warrant analyses shall be part of the traffic methodology letter that will be signed with the City of Gainesville. The owner/developer shall be responsible for the~~



~~costs of any new traffic signals that are warranted as a result of the development's site related impacts, and the costs shall not be counted toward meeting the transportation mobility requirements in effect at the time of application.~~

- ~~z. The owner/developer shall be responsible for the costs associated with tying a new traffic signal at the proposed entrance to the community on NE 39th Avenue into the Traffic Management System to ensure that the new signal communicates with the system, if and when such new traffic signal is installed.~~
- ~~aa. The following shall be executed and delivered to the City prior to approval of a development plan, prior to recording of a final plat, or prior to issuance of a building permit, whichever first occurs: (1) Avigation and clearance easements granting the City and owner/operator of the Gainesville Alachua County Regional Airport Authority, and their respective successors and assigns, the right to continue to operate the airport despite potential nuisance effects upon residential and any other uses that are established by this PUD and/or by the required PD zoning ordinance; (2) Notice to Prospective Purchasers and Lessees of potential aircraft overflights and noise impacts; and (3) Declaration of Restrictive Covenants to address the property's proximity to the Airport and the imposition of local, state and federal regulations. The easements, notice and declaration shall be in a form acceptable to the City Attorney and airport authority and shall be executed and recorded by the property owner. In addition, a copy of the Notice shall be given to prospective purchasers or lessees at the time of contract or lease negotiations.~~
- ~~bb. All residential and non-residential development shall be constructed to achieve an outdoor to indoor noise level reduction (NLR) as specified in Appendix F Airport Hazard Zoning Regulations, Chapter 30 of the Gainesville Code of Ordinances in effect at the time of application for a building permit.~~
- ~~cc. The owner/developer shall fund any potable water and/or wastewater capacity improvements that are based on the PUD demands so that the adopted levels of service in the Potable Water/Wastewater Element of the City's Comprehensive Plan are maintained. The owner/developer shall sign a binding letter of agreement with the City to ensure that the funding will be available to make the required improvements.~~
- ~~dd. At the time of application for PD zoning, the owner/developer shall provide design standards generally consistent with traditional design concepts (such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front~~

~~porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks) for all residential and non-residential uses in the PUD and, subject to City review and approval, these standards shall be specified in the PD zoning ordinance.~~

- ~~ee. This PUD does not permit or allow any development that would constitute a development of regional impact or any development that would require a development of regional impact review. Any PD zoning application or any application for proposed development that exceeds the development of regional impact thresholds shall be required to follow the procedures as defined in Chapter 380, F.S. and applicable regulations of the Florida Administrative Code.~~
- ~~ff. The PUD shall not be a gated community. Security features, if any, shall be addressed in the PD zoning application and specified in the PD zoning ordinance.~~
- ~~gg. The development shall be required to meet any transportation mobility requirements in effect at the time of application for development review. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.~~

For reference only, the attached map concerning the Hatchet Creek Planned Use District is hereby deleted. See Attachment "A".

**Section 2.** It is the intent of the City Commission that the provisions of Section 1 of this ordinance shall become and be made a part of the City of Gainesville Comprehensive Plan and that the sections and paragraphs of the Comprehensive Plan may be renumbered in order to accomplish such intent.

**Section 3.** The City Manager or designee is authorized and directed to make the necessary changes to the City of Gainesville Comprehensive Plan in order to fully implement this ordinance. The City Manager or designee is authorized to correct any typographical errors

that do not affect the intent of this ordinance.

**Section 4.** Within ten (10) working days of the transmittal (first) hearing, the City Manager or designee is authorized and directed to transmit this plan amendment and appropriate supporting data and analyses to the reviewing agencies and to any other local government or governmental agency that has filed a written request for same with the City. Within ten (10) working days of the adoption (second) hearing, the City Manager or designee is authorized and directed to transmit this plan amendment and appropriate supporting data and analyses to the state land planning agency and any other agency or local government that provide timely comments to the City.

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

**Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed on the effective date of this plan amendment.

**Section 7.** This ordinance shall become effective immediately upon adoption; however, the effective date of this amendment to the City of Gainesville Comprehensive Plan, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the City that the plan amendment package is complete in accordance with Section 163.3184, Florida Statutes. If timely challenged, this Comprehensive Plan amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the amendment to be in compliance with Chapter 163, Florida

**D R A F T**

**07/06/2015**

Statutes. No development orders, development permits, or land uses dependent on this Comprehensive Plan amendment may be issued or commenced before this amendment has become effective.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
EDWARD B. BRADDY  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.



### FUTURE LAND USE ELEMENT

Hatchet Creek PUD and Underlying Future Land Use

 Hatchet Creek PUD

#### Underlying Future Land Use

 Single Family

 Industrial

 Recreation

**City of Gainesville, Florida**

Prepared by Planning and Development Services  
March 2013

0 487.5 975 Feet

