

## CHARTER AMENDMENT FOR THE HOGTOWN CREEK WATERSHED

In the late Fall of 1996, the City was notified that sufficient signatures had been received to require a Charter Amendment be put on the ballot for the "Preservation of Gainesville's Greenspaces".

On March 17, 1998, the citizens of Gainesville voted to approve the referendum amending the Charter. The amendment reads as follows, "The City of Gainesville, Florida, will not expend, use, nor seek, any City, County, State or Federal funds for the construction of any paved surface for transportation use or recreational facility in the area designated under the City of Gainesville Comprehensive Plan, 1990, for recreational use or conservation use in the Hogtown Creek Watershed from the date of the adoption of the Charter Amendment."

### I. EFFECTS ON PROPOSED HOGTOWN CREEK GREENWAY

Florida Communities Trust grant requirements indicate that basic service level trails will be installed where appropriate. These could include earthen, paved or boardwalk surfaces. Alternatives to the original Phase I (A) development are:

- no trail development
- installing an earthen trail with boardwalks and bridge as originally planned

The signalized crossing at N.W. 8th Avenue & 31st Drive and the N.W. 5th Avenue parking area improvements can not be completed per staff interpretation of the Charter Amendment. Staff recommends that these improvements be eliminated as they may not be warranted if only a basic service level trail is installed. However, boardwalk handicap ramps and Loblolly ADA improvements should be considered for completion in order to comply with code requirements. Based on staff interpretation of the approved Charter Amendment, the completion of the Hogtown Creek Greenway Phase I(A), and the requirements of the Master Development and Management Plan, will be affected in the following manner:

**(NO MEANS THAT THE FACILITY CANNOT BE CONSTRUCTED/YES MEANS THAT THE FACILITY CAN BE CONSTRUCTED):**

- Paved Trail Development Feasibility

paved trail south of N.W. 8th Avenue	No
trail system amenities (observation decks, landscaping, signage)	Yes
additional landscape buffering required by SJRWMD permit conditions	Yes
trail boardwalk	Yes
911 call box installation (as long as paved surface is not required)	Yes

- 8th Avenue Development

N.W. 8th Avenue roadway modifications	No
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N.W. 8th Avenue & N.W. 31st Drive traffic signal (to include mast arms poles)	Yes
signage/traffic calming improvements per DRB condition	No
• Loblolly Development	
Loblolly facility enhancements (19 parking spaces)	No
Loblolly facility enhancements (ADA requirements)	Yes
• N.W. 5th Avenue Development	
N.W. 5th Avenue improvements (N.W. 34th Street to termination, curb and gutter street with cul-de-sac)	No
• Additional Land Acquisition For Greenway Development	Yes
• Land Management Activities	Yes
• Applications For Development Funding	
paved surface trails	No
unpaved surface trails	Yes
boardwalks, signage, landscaping	Yes
• Future Phase Development	
paved surface trails	No
unpaved surface trails	Yes
boardwalks, signage, landscaping	Yes

**II. OTHER EFFECTS**

As presented to the Commission when the referendum was put on the ballot, Community Development staff and an outside planning consultant expressed their opinion that the wording of the Charter Amendment had far greater ramifications than just the paving of the trail through the Greenway. It effect paved surfaces for all transportation use and recreational facilities. Nevertheless, the City must maintain current facilities within the watershed area and consider needed improvements to areas other than the Greenway.

The City's Comprehensive Plan defines recreation and conservation use as land designated on the

Future Land Use Map as Conservation and Recreation. The City's Land Development Code, section 30-43(1)a, indicates that the land uses and zoning designations apply to the centerlines of the streets. The code states that when an uncertainty exists as to the boundaries of the various districts on the zoning map, "the boundaries indicated as approximately following streets shall be construed to follow the centerlines of such streets". Therefore, land use designations apply to adjacent roadways. As a result, the following types of Public Works projects will be allowed/disallowed under the amendment:

- Roads

construction of new roads	No
rebuilding of roads	Yes
repaving or resurfacing roads	Yes
widening of roads	No
streetlight installation	Yes
street signs	Yes
pot hole repair	Yes
new sidewalks	No
bridge replacement (no widening)	Yes
widening/improvements of streets within or bordering conservation or recreation areas	No

Due to the Code requirement that land use and zoning designations are interpreted to run to the centerline of a street, many transportation facility improvements that have been programmed are most likely impacted by this Charter Amendment. The following projects traverse or border publicly or privately owned lands that are identified as conservation or recreation use:

- N.W. 38th Street, from N.W. 8th Avenue to N.W. 16th Avenue - cannot construct the street, sidewalk and bicycle improvements planned. Property along this street is identified as conservation and encompasses the street right-of-way.
- N.W. 19th Street, from N.W. 29th Road to N.W. 45th Avenue, cannot construct the street and sidewalk improvements planned. Property along this street is identified as recreation.
- N.W. 29th Road, from N.W. 19th Street to N.W. 13th Street, cannot construct the street and sidewalk improvements planned. Property along this street is identified as conservation.
- City cannot seek federal demonstration funds to construct the improvements associated with the S.W. 20th Avenue Charette Alternative. Property along this corridor is identified as conservation and recreation.
- SR 26/26A (University Avenue/S.W. 2nd Avenue)

City may not request the county or state fund transportation, sidewalk or bicycle facilities along county or state rights-of-way within the watershed that border or traverse conservation or recreational lands, such as:

- N.W. 53rd Avenue
- N.W. 43rd Street
- N.W. 16th Avenue/Boulevard
- N.W. 34th Street
- SR 26/University Avenue
- N.W. 39th Avenue

Finally, the following Park improvements will be allowed:

- Parks
  - reconstruction or resurfacing of existing facilities Yes
  - paved parking
  - tennis courts
  - sidewalks
  - racquetball courts, etc.
  
  - installation of lights on sports facilities Yes
  
  - recreation Initiative Projects Yes  
 (with the exception of constructing new paved facilities) to include:
    - parking lots
    - tennis courts
    - racquetball courts
    - restrooms
    - multi-purpose facilities
    - new Impervious surfaces (including structures) cannot be constructed.
  
  - ADA Requirements Yes

Specific Park improvement projects to be affected:

- Recreation projects

Impact by the Charter Amendment on construction projects as it relates to The Recreational Initiative.

- Greentree Park, 1900 N.W. 39th Avenue - 21 Acres
  - community pool No
  - 4 lighted tennis courts No

4 lighted basketball courts	No
auto irrigation	Yes
ballfield sodding	Yes
maintenance building	No
bleachers	Yes
• Northside Park, 5725 N.W. 24th Street - 47 Acres	
2 lighted basketball courts	No
1 maintenance building	No
paved parking lot	No
additional facilities lighting	Yes
• Mini Park (#6), N.W. 32nd Place & 20th Lane - .62 Acres	
• Mini Park (#9), 820 N.W. 4th Avenue - .23 Acres	
playground equipment	Yes
• Possum Creek Park, 4000 Block N.W. 53rd Avenue - 80 Acre	
multi-purpose center	No
2 lighted soccer/multi-purpose fields	Yes
2 lighted baseball fields	Yes
auto irrigation	Yes
maintenance building	No
skate board facility	no
• Green Acres, 700 Block S.W. 40th Street - 26.90 Acres	
playground equipment	Yes
• Westside Park, 1001 N.W. 34th Street - 26.90 Acres	
pool heating and covering	Yes
recreation center upgrade	Yes
auto irrigation	Yes

bleacher	Yes
fencing/resodding	Yes
facilities lighting	Yes
Westside pool re-surfacing	Yes
tennis pro shop with restrooms	No

**Sharmic Ffar / Wilhelmina Johnson Resource Center - One N.W. 10th Street - .50 Acres**

renovation of center (interior)	Yes
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**Staff recommends that the City Commission adopt a policy consistent with staff's interpretation of the Charter Amendment for the types of projects that can and can not be implemented**