

LEGISLATIVE #

120001A

ORDINANCE NO. 120001

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3 **An ordinance of the City of Gainesville, Florida, amending the Land**
4 **Development Code; by amending Section 30-35 *Level of service standards* and**
5 **Section 30-271 *Centralized water and wastewater facilities* for consistency with**
6 **the Potable Water & Wastewater, Recreation, Solid Waste, and Stormwater**
7 **Management Elements of the City of Gainesville Comprehensive Plan;**
8 **providing directions to the codifier; providing a severability clause;**
9 **providing a repealing clause; and providing an immediate effective date.**

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11 **WHEREAS**, notice was given as required by law that the text of the Land Development
12 Code of the City of Gainesville, Florida, be amended and a public hearing was then held by the
13 City Plan Board on April 26, 2012; and

14 **WHEREAS**, at least ten (10) days notice has been given once by publication in a
15 newspaper of general circulation notifying the public of this proposed ordinance and of a public
16 hearing in the City Hall Auditorium, First Floor, City Hall, in the City of Gainesville; and

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

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

21 **Section 1.** Subsections 30-35(2), 30-35(3), 30-35(4) and 30-35(6) of the Land
22 Development Code are amended as follows. Except as amended herein, the remainder of Section
23 30-35 remains in full force and effect.

24 **Sec. 30-35. – Level of service standards.**

25 (2) *Stormwater management.*

26 a. The LOS standard for ~~off-site stormwater discharge~~ of all stormwater
27 management facilities shall be the ~~twenty-five-year ten-day~~ 100-year critical duration
28 storm. The LOS standard for water quality treatment shall be treatment of first one (1)
29 inch of runoff; and compliance with the stormwater management facility design and

1 performance standards established by the applicable water management district in
 2 ~~Chapter 40-C-42.025 F.A.C.~~ to ensure that the receiving water quality standards of
 3 ~~Chapter 17-302.500 F.A.C.~~ Chapter 62-302 F.A.C. are met and to ensure ~~their water~~
 4 ~~quality is not degraded below the minimum conditions necessary to~~ that receiving
 5 surface waters maintain their classifications as established in Chapter ~~1762-~~302 F.A.C.

6 b. These standards shall apply to all new development and redevelopment, ~~and any~~
 7 Any exemptions, exceptions or thresholds in these Florida Administrative Code
 8 (F.A.C.) citations are not applicable. ~~Infill residential development within improved~~
 9 ~~residential areas or subdivisions existing prior to the adoption of the plan must ensure~~
 10 ~~that its post-development stormwater runoff will not contribute pollutants which will~~
 11 ~~cause the runoff from the entire improved area or subdivision to degrade receiving~~
 12 ~~water bodies and their water quality as stated above.~~

13 (3) *Potable water/wastewater.*

14 a. *Potable water.*

- 15 1. *Maximum day (peak) design flow:* Two hundred (200) gallons ~~daily demand~~
 16 per capita per day.
- 17 2. *Storage capacity:* One-half of ~~maximum daily consumption~~ peak day
 18 volume in gallons.
- 19 3. *Pressure:* The system shall be designed for a minimum pressure of forty
 20 (40) psig under forecasted peak hourly demands to assure twenty (20) psig under
 21 extreme and unforeseen conditions.

22 b. *Wastewater.*

- 23 1. *Average day standard:* ~~One hundred thirteen (113)~~ One hundred six (106)
 24 gallons daily flow per capita. ~~Peak standard: one hundred twenty-three (123)~~
 25 ~~gallons daily flow per capita.~~
- 26 2. ~~University of Florida standard:~~ Forty (40) gallons per capita average daily
 27 flow.

28 c. Water Supply. Average daily flow of 147 gallons per capita per day.

29 (4) *Recreation.*

30 a. *Level of service standards for parks.* ~~and facilities.~~⁺

31	Facility LOS
32	1991 LOS
	Standard
33	1997 LOS
	Standard

Swimming pool (50 meters)	1 per 85,000	1 per 85,000
Swimming pool (25 yards) ²	1 per 50,000	1 per 75,000
Softball field (adult)	1 per 14,000	1 per 10,000
Soccer field	1 per 8,500	1 per 11,000
Trail/linear corridor/greenway	1 mile per 3,500	1 mile per 4,500
Basketball court	1 per 4,500	1 per 4,400
Tennis court	1 per 6,000	1 per 6,000
Racquetball court	1 per 12,000	1 per 7,000

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Park		
1991 LOS Standard		
(acres/1,000 people)		
1997 LOS Standard		
(acres/1,000 people)		
Local nature/conservation	5.00	6.00
Sports complex	0.50	0.50
Community park ²	2.00	2.00
Neighborhood park	1.50	0.80
Total acres per 1,000	9.00	9.30

Notes:

¹ Standards for local nature park, sports complex, and fifty-meter pool facilities apply urban area-wide. Standards for community park, twenty-five yard pool, softball, soccer, trail, neighborhood park, basketball, tennis and racquetball facilities apply urban area wide in 1991, and quadrant by quadrant in 1997. Park and facility substitution: There are instances where LOS standards will indicate a deficiency for certain recreational facilities, yet the quadrant may not have the acreage or desire by its population to accommodate the new facilities. See the Concurrency Procedures Manual for the substitution process.

² Southwest quadrant is exempt from community park and twenty-five yard pool standards through 2001.

<u>Park</u>	<u>Adopted LOS Standard¹</u>	<u>Existing LOS²</u>
Neighborhood Park	0.08 acres	1.33 acres
Community Park	2.00 acres	2.13 acres
Local Nature/Conservation	6.00 acres	15.71 acres
Total Acres Per 1000 People	8.80 acres	19.73 acres

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2 ¹Park standards are in acres per 1,000 people.

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4 ²Existing LOS is based on 2011 City population estimate and available facilities.

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6 Source: City of Gainesville, Planning and Development Services Department and the
7 Department of Parks, Recreation and Cultural Affairs, 2011.

8 b. *Park design and function standards.*

9 ~~1. *Mini parks.* Small recreation areas within relatively high density residential~~
10 ~~areas include benches, child play areas, shade trees and picnic facilities. Size is~~
11 ~~one-fourth acre to five (5) acres. Service radius is one-fourth mile. Access is by~~
12 ~~local streets, with facilities for pedestrians and bicycles. There is no LOS~~
13 ~~standard for this park type.~~

14 12. *Neighborhood parks.* Moderately sized recreation areas located to provide
15 convenient access (no more than one-half mile) from neighborhoods served.
16 Includes tennis courts, racquetball courts, shade trees, picnic facilities, child play
17 areas, and a limited number of soccer and baseball fields. Size ranges from five
18 (5) to twenty (20) acres, although the presence of certain types of facilities may
19 classify certain sites less than five (5) acres as neighborhood parks. (These
20 smaller sites must provide at least two (2) facilities of different types from the
21 following list: basketball courts, tennis courts, racquetball courts,
22 baseball/softball fields, gymnasium or recreation center, and soccer fields.)
23 Service radius is one-half mile. Access is by local streets, with facilities for
24 pedestrians and bicycles.

25 23. *Community parks.* Intensive-use, activity-based recreation areas ~~which~~ that
26 serve an entire planning quadrant. Includes a wide range and large concentration
27 of facilities: lighted tennis courts, racquetball courts, soccer and baseball fields, a
28 swimming pool, off-street parking, playgrounds and picnic facilities. Sites twenty
29 (20) acres or larger are classified as "~~un-developed~~" "undeveloped" if the site
30 does not contain at least two (2) different types of these facilities. If LOS
31 standards require community park acres, but the quadrant is not deficient in any
32 of these facilities, the following facilities may be substituted: basketball courts,
33 tennis courts or racquetball courts. Size ranges from twenty (20) to one hundred
34 (100) acres, although certain types of facilities may classify certain sites less than
35 twenty (20) acres as community parks. (Parks between ten (10) to twenty (20)
36 acres can be classified as a community park if at least two (2) different types of
37 the following facilities are provided: baseball/softball fields, swimming pool,
38 gymnasium, recreation center, and/or soccer or football fields.) Service radius is
39 one and one-half (1½) miles or the planning quadrant. Access is by collector or
40 arterial streets, with facilities for pedestrians, bicycles, autos, and buses.

41 ~~4. *Sports complex parks.* In-tensive use recreation areas which provide a~~

~~concentration of facilities for leagues and tournaments. One (1) or more of the following facilities are necessary but not necessarily sufficient to classify a site as a sports complex:~~

~~i.—At least four (4) adult size or youth size baseball/softball fields;~~

~~ii.—At least six (6) regulation size soccer fields;~~

~~iii.—A professional or semiprofessional sports stadium;~~

~~iv.—A combination of at least one (1) gymnasium, four (4) tennis courts and four (4) racquetball courts; and/or~~

~~v.—A region serving water theme park.~~

~~Size ranges from fifteen (15) to one hundred (100) acres. Service radius is urban area wide. Access is by arterial streets, with facilities for bicycles, autos and buses.~~

35. Local nature parks. Moderately sized, resource-based parks ~~which~~ that offer physical or visual access to environmentally significant open spaces. Such parks include trails, benches, picnic facilities, boardwalks, and exhibits. Size is generally less than one hundred (100) acres. (All resource-based parks owned by the city or county are designated local nature parks, regardless of size.) Service radius is urban area-wide. Access is variable. Motorized vehicles are prohibited from pedestrian/bicycle corridors. Public properties containing environmentally significant features that have not been developed to accommodate passive recreation are known as "conservation areas."

~~6.—Linear corridors. Provide a recreational travel corridor or greenway for such users as bicyclists, hikers, horseback riders, canoeists and joggers. Such park is typically a narrow strip of land developed along a creek, or along a utility or abandoned railroad right of way. Such parks often link parks, schools, commercial or residential areas, and natural features to each other. While staging areas typically provide auto parking, the corridors themselves allow only nonmotorized travel. Service radius is urban area wide if owned by the state, and quadrant wide if owned by the city or county.~~

~~(6) Solid waste. For class I solid waste, seven hundred sixty three thousandths (0.763) tons of solid waste per capita per year disposed (four and two tenths (4.2) pounds of solid waste per capita per day disposed). The following LOS standard for disposal and collection capacity shall be established: 0.655 tons of solid waste per capita per year disposed (3.6 pounds of solid waste per capita per day disposed).~~

Section 2. Section 30-271 of the Land Development Code is amended as follows.

1 All property within the city shall be subject to the following requirements except as provided by
2 section 30-272. These requirements do not lessen or exempt compliance with any other section of
3 the Code of Ordinances where the regulations may be more stringent.

4 (1) *Provision of centralized water systems.* Developments ~~which~~ that require potable
5 water shall connect to the city's centralized potable water system when equivalent
6 residential densities are greater than two units per acre. Equivalent residential density is
7 determined per the requirements of Gainesville Regional Utilities ~~shall be calculated~~ using
8 maximum day (peak) daily demand design flow as ~~estimated for level of service purposes as~~
9 indicated established in subsections 30-35(3)a.1. ~~and 2.~~

10 (2) *Provision of centralized wastewater systems.* Developments ~~which~~ that require
11 wastewater treatment shall connect to the city's centralized wastewater treatment system
12 when equivalent residential densities are greater than two units per acre. Equivalent
13 residential density is determined per the requirements of Gainesville Regional Utilities ~~shall~~
14 ~~be calculated~~ using peak daily demand the average day standard as ~~estimated for level of~~
15 ~~service purposes as indicated~~ established in subsections 30-35(3)b.1. ~~and 2.~~

16 (3) *Septic tanks or on-site disposal systems for nonresidential development.* Any
17 nonresidential development proposing the use of a septic tank or on-site disposal system
18 must demonstrate that toxic, hazardous, or industrial waste will not be disposed of in the
19 septic tank or on-site disposal system.

20 (4) *Exemptions.* The following exemptions to the requirements for mandatory hookup to
21 the centralized water and wastewater systems, as provided in subsection 30-271(1) and/or
22 (2), shall apply unless more stringent code requirements apply:

23 a. Development on lots in platted subdivisions and other legal lots of record ~~which~~
24 that existed as of June 10, 1992, shall be considered exempt from the requirements of
25 subsection 30-271(1) and/or (2) unless there are existing distribution and/or collection
26 facilities in the right-of-way or easements abutting the property.

27 b. Developments ~~which~~ that provide temporary package wastewater plants shall be
28 exempt from the requirements of subsection 30-271(2), but only to the extent provided
29 for in subsection 30-272.
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31 **Section 3.** It is the intention of the City Commission that the provisions of Section 1 and
32 Section 2 of this ordinance shall become and be made a part of the Code of Ordinances of the
33 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be
34 renumbered or relettered in order to accomplish such intentions.

1 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 2 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 3 finding shall not affect the other provisions or applications of this ordinance that can be given
 4 effect without the invalid or unconstitutional provisions or application, and to this end the
 5 provisions of this ordinance are declared severable.

6 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
 7 such conflict hereby repealed.

8 **Section 6.** This ordinance shall become effective immediately upon final adoption.

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10 **PASSED AND ADOPTED** this ____ day of _____, 2012.

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 CRAIG LOWE
 MAYOR

ATTEST:

Approved as to form and legality

 KURT M. LANNON
 CLERK OF THE COMMISSION

 MARION J. RADSON
 CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2012.

This ordinance passed on second reading this ____ day of _____, 2012.