

Appendix D - Draft Ordinance and Attachments

ORDINANCE NO. 211459

An ordinance of the City of Gainesville, Florida, amending the Comprehensive Plan of the City of Gainesville by amending the Future Land Use Map and Policy 4.3.4 of the Comprehensive Plan Future Land Use Element pertaining to certain property generally located north of U.S. 441 and both east and west of SR 121, as more specifically described in this ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

11 **WHEREAS**, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a
12 Comprehensive Plan to guide the future development and growth of the city; and

13 **WHEREAS**, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),
14 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the orderly
15 and balanced future economic, social, physical, environmental, and fiscal development of the city
16 as reflected by the community's commitments to implement such plan; and

17 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive
18 Plan to include a Future Land Use Element with a Future Land Use Map that designates the future
19 general distribution, location, and extent of the uses of land for residential, commercial, industry,
20 agriculture, recreation, conservation, education, public facilities, and other categories of the
21 public and private uses of land, with the goals of protecting natural and historic resources,
22 providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban
23 sprawl; and

24 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land Use
25 Element of the Comprehensive Plan for the property that is the subject of this ordinance; and

1 **WHEREAS**, on April 24, 1992, the City adopted Ordinance No. 3768 and annexed into the City
2 from Alachua County approximately 460 acres of property generally located north of the
3 intersection of U.S. 441 and SR 121; and

4 **WHEREAS**, on February 12, 2007, the City adopted Ordinance No. 060731 and annexed into the
5 City from Alachua County approximately 1,318 acres of property generally located north of the
6 intersection of U.S. 441 and SR 121; and

7 **WHEREAS**, Weyerhaeuser is the successor-in-interest by merger to the approximately 1,778
8 acres of land annexed into the City by Ordinance Nos. 3768 and 060731; and

9 **WHEREAS**, on January 1, 2009, the City adopted Ordinance No. 070447 and assigned certain land
10 use designations to the 1,778 acres of property annexed into the City by Ordinance Nos. 3768
11 and 060731, and provided certain conditions including a requirement that the property owner
12 seek Planned Development District (PD) zoning on approximately 744 acres of property lying
13 below a certain phase line of the total 1,778-acre property; and

14 **WHEREAS**, to-date and since the approximately 1,778 acres of property was annexed into the
15 City by Ordinance Nos. 3768 and 060731, the City has not assigned City zoning to any portion of
16 the property and therefore the property's zoning remains Alachua County Agriculture which was
17 assigned by Alachua County prior to annexation; and

18 **WHEREAS**, in 2017, Weyerhaeuser submitted to the City a rezoning application to rezone the
19 approximately 744-acre portion of the 1,778-acre property that lies below the phase line
20 established by Ordinance No. 070447; and

21 **WHEREAS**, on December 5, 2019, the City Commission held a quasi-judicial hearing and voted to
22 deny Weyerhaeuser's rezoning application ("City Commission Order"); and

1 **WHEREAS**, on June 3, 2021, and as amended on September 1, 2021, Weyerhaeuser filed in the
2 Eighth Judicial Circuit Court of Alachua County, Florida, a Petition for Writ of Certiorari to appeal
3 the City Commission Order (Case No. 01-2021-AP-0003); and

4 **WHEREAS**, on June 4, 2021, and as amended on September 28, 2021, Weyerhaeuser filed in the
5 Eighth Judicial Circuit Court of Alachua County, Florida, a Complaint for Declaratory Judgment
6 and Injunctive Relief pursuant to Section 163.3215, Florida Statutes, challenging the City
7 Commission Order (Case No. 2021-CA-001533); and

8 **WHEREAS**, throughout the ongoing litigation, which is costly and resource intensive for both
9 parties, the City and Weyerhaeuser have continued communications seeking a mutually-
10 beneficial solution; and

11 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land Use
12 Element of the Comprehensive Plan for the approximately 1,778 acres of property subject to
13 Ordinance No. 070447 and, together with the companion rezoning ordinance, represents the
14 mutually-beneficial solution agreed upon by both the City and Weyerhaeuser and will hereby
15 settle and terminate the ongoing litigation in both Case No. 01-2021-AP-0003 and Case No. 2021-
16 CA-001533; and

17 **WHEREAS**, accordingly this ordinance, together with the companion rezoning ordinance, is
18 consistent with Chapter 163, Florida Statutes, the City of Gainesville Comprehensive Plan, and
19 the City of Gainesville Land Development Code; and

20 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
21 newspaper of general circulation and provided the public with at least seven days' advance notice
22 of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City

1 Commission; and

2 **WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this

3 proposed amendment to the reviewing agencies and any other local government unit or state

4 agency that requested same; and

5 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was placed

6 in the aforesaid newspaper and provided the public with at least five days' advance notice of this

7 ordinance's second public hearing (i.e., adoption hearing) to be held by the City Commission; and

8 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings

9 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

10 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered any written

11 comments received concerning this ordinance.

12 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

13 **FLORIDA:**

14 **SECTION 1.** Policy 4.3.4 of the Comprehensive Plan Future Land Use Element is amended as

15 follows.

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

23

24 a. Within all land use areas of Plum Creek Weyerhaeuser:

25

26 1. ~~Maximum residential development of the entire 1,778 acres shall not exceed~~
27 ~~1,890 residential units and 100,000 square feet of non-residential uses of~~
28 ~~which a maximum of 80,000 square feet shall be permitted as Commercial,~~
29 ~~and these densities and square footage may be less unless the developer~~
30 ~~establishes to the City at the time of rezoning by competent substantial~~

evidence, that the development meets the criteria and standards of this Policy 4.3.4 and the Land Development Code. In accordance with Section 1.4 of the Charter Laws of Alachua County, Florida, the Alachua County Countywide Wetland Protection and Natural Resource Protection Codes apply to Weyerhaeuser and to the extent that resources protected by said codes are determined to exist on Weyerhaeuser, the requirements of said codes must be met.

2. Development shall be clustered to inhibit encroachment upon the environmentally significant features of ~~Plum Creek~~ Weyerhaeuser; and
 3. Wetlands shall not be impacted other than where necessary to achieve interconnectivity between upland properties; and
 4. Wetlands shall be protected by wetland buffers that shall be a minimum of fifty (50) feet and an average of seventy-five (75) feet wide. The minimum and average buffer widths shall not apply to those portions of the wetlands that are impacted consistent with 4.3.4.a.3 above; and
 5. Stormwater treatment facilities shall not be permitted within the wetland buffers established pursuant to Section 4.3.4.a.4. above, except that outfall structures shall be allowed within these buffers; and
 6. Areas within the floodplain district, as defined in the City's Land Development Code, shall be protected so that at least ninety (90%) percent of existing floodplain areas shall not be altered by development, except that recreation and stormwater management may occur within not more than twenty percent (20%) of the floodplain district, and the existing floodplain storage volume will be maintained; and
 7. Stormwater best management practices and/or low impact development (LID) practices shall be used to the maximum extent practicable to maintain or replicate the pre-development hydrologic regime, as determined by the City, and consistent with state requirements; and
 8. Existing functioning ecological systems within ~~Plum Creek~~ Weyerhaeuser shall be retained to the maximum extent practicable while accommodating the uses and intensity of uses authorized by the land use policies governing ~~Plum Creek~~ Weyerhaeuser, as determined by the City.
 9. Maintain and enhance plant and animal species habitat and distribution by protecting significant plant and animal habitats, provide for habitat corridors, prevent habitat fragmentation by requiring a detailed survey of listed species, identify habitat needs for maintaining species diversity and sustainability; preserve wetlands and at least forty percent (40%) and up to fifty percent (50%) of the upland area, inclusive of the wetland buffers

established pursuant to 4.3.4.a.4. above. Listed species are those species of plants and animals listed as endangered, threatened, rare, or species of special concern by the state and federal plant and wildlife agencies, or species ranked as S1, S2, or S3 the Florida Natural Areas Inventory (FNAI).

10. Wetlands, wetland buffers, floodplain and upland habitat areas that are to be protected shall be identified as Conservation Management Areas and protected by a perpetual conservation easement in favor of the City, or a tax exempt land trust doing business within Alachua County, Florida, as determined by the City. Activities within the Conservation Management Areas shall be as set forth in a Conservation Management Plan approved by the City.
 11. Planned Developments adopted by zoning ordinances within ~~Plum Creek Weyerhaeuser~~ shall impose standards that address minimum required setback from SR 121 and CR 231, retention of existing vegetation and supplemental vegetative plantings, fencing and other forms of screening. Except where access to the property is provided, a minimum 50 foot vegetative buffer shall be retained along both sides of SR 121 and CR 231 within ~~Plum Creek Weyerhaeuser~~.
 12. A natural and/or planted buffer with a minimum average width of 100 feet that at no location is less than 25 feet wide, shall be retained along the entire western boundary property line beginning at SR 121 at the north and ending at US 441 at the south, but shall not include the southwesterly property line abutting US 441.
 13. A natural and/or planted buffer with a minimum average width of 200 feet that at no location is less than 50 feet wide, shall be retained along the southern boundary of ~~Plum Creek Weyerhaeuser~~, west of SR 121, between industrial and residential uses.
 14. Planned Developments adopted pursuant to this Policy may require that Weyerhaeuser provide for transit access when approved by the City's Regional Transit System (RTS), and the owner/developer may be required to provide comfortable, multi-use transit stations when transit service is made available to Weyerhaeuser. The owner/developer may be required to fund transit service (capital and operations) for the development with minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS. If the funding is for a new route to serve the development, the funding for transit must be for a minimum period of 5 years. If the funding is for expansion of an existing route to serve the development, the funding for transit must be for a minimum period of 3 years.

If transit service to Weyerhaeuser is approved by RTS, transit service must be phased at the development to maximize successful transit routes consistent with population and density standards set by RTS as

1 Weyerhaeuser develops. The transit phasing plan for the required transit
2 service must be provided in the associated PD ordinances and will be
3 subject to RTS approval. All costs incurred by the owner/developer during
4 implementation of this requirement will be credited against its
5 Transportation Mobility Program obligation.

6

7

8 b. Conservation Land Use Areas

9

10 All areas designated Conservation land use shall receive a zoning district
11 designation of Conservation and will be regulated in accordance with said
12 zoning district except that no are not permitted to have any residential units may
13 be allowed and . There shall be no transfer of density may be allowed to other
14 areas. The owner/developer shall make incremental applications for
15 Conservation zoning of areas designated Conservation land use in conjunction
16 with applications submitted for Final Development Plan or Final Plat approvals
17 within areas designated Mixed-Use Office/Residential and Planned Use District
18 land use. Such incremental applications for Conservation zoning must include
19 at least the same or greater proportion of the total Conservation land use area as
20 the application for Final Development Plan or Final Plat approval contains
21 relative to the total area having Mixed-Use Office/Residential and Planned Use
22 District land use designations.

23

24 No development, other than minimum crossings necessary to achieve
25 interconnectivity between upland developable properties, and passive
26 recreational uses is allowed as a permanent use within the Conservation Land
27 Use Areas. Silvicultural use may continue within existing planted pine
28 plantations until receiving a zoning district designation of Conservation, as
29 determined by the City.

30

31 c. Single Family, Residential Low Density Mixed-Use Office/Residential and
32 Planned Use District Land Use Areas

33

34 1. All areas designated Single Family, Residential Low Density Mixed-Use
35 Office/Residential and Planned Use District land use shall be implemented
36 by Planned Development (PD) zoning. The required rezoning to PD of the
37 areas designated Single Family and Residential Low Density Mixed-Use
38 Office/Residential may occur in increments over time upon request of the
39 property owner and approval by the City.; however, rRezoning of the
40 Planned Use District (PUD) area to PD shall occur as provided in Paragraph
41 F-e below entitled "Planned Use District Land Use Area". Until such
42 rezonings to PD are effective, the zoning district designations shall remain
43 Agriculture for all areas designated Single Family, Residential Low
44 Density Mixed-Use Office/Residential and Planned Use District land use
45 with allowed uses limited to uses specified in the Agriculture zoning
46 district; and

- 1 2. All areas that are rezoned to PD shall be designed to be traffic- calmed and
2 pedestrian friendly; and
- 3 3. The PD rezonings for ~~Plum Creek Weyerhaeuser~~ shall ensure that allowed
4 uses are integrated within the existing site landscape in a way that
5 reasonably assures the following:
- 6 a. Preservation of the ecological integrity of the ecosystems of
7 ~~Plum Creek Weyerhaeuser~~ by creating and maintaining connectivity
8 between habitats, minimizing natural area fragmentation, and protecting
9 wetlands, associated uplands, and floodplains as indicated in Policy
10 4.3.4.a. above; and
- 11 b. Preservation or enhancement of existing wetlands with approved treated
12 stormwater to wetlands, limiting impacts to such wetlands to crossings
13 necessary to achieve interconnectivity between upland properties, and
14 requiring that any such crossings be designed to minimize wetland
15 impacts.
- 16 4. The PD rezonings for ~~Plum Creek Weyerhaeuser~~ shall require that
17 appropriate “low impact development” (LID) techniques for the site must
18 be implemented. At least 25% of stormwater from public and common area
19 impervious surfaces must be treated through LID methods. Prior to second
20 and final reading of each ordinance that rezones property within the Mixed-
21 Use Office/Residential and PUD land use to PD, the owner/developer shall
22 provide legally enforceable documents to the City that establish that a
23 responsible entity (e.g., community development district, developer and/or
24 homeowner’s association or other third party entity) will permanently
25 provide for proper maintenance of the LID functional landscape. LID is a
26 site design strategy for maintaining or replicating the pre- development
27 hydrologic regime through the use of design techniques that create a
28 functionally equivalent hydrologic landscape. Hydrologic functions of
29 storage, infiltration, and ground water recharge, plus discharge volume and
30 frequency shall be maintained by integrated and distributed micro-scale
31 stormwater retention and detention areas, by the reduction of impervious
32 surfaces, and by the lengthening of flow paths and runoff time. Other LID
33 strategies include, but are not limited to, the preservation/protection of
34 environmentally sensitive site features such as wetlands, wetland buffers
35 and flood plains. Required LID facilities must be concentrated on common
36 areas rather than individual lots to better ensure effective long-term
37 maintenance by the responsible entity. Each rezoning to PD shall include
38 conditions requiring appropriate LID practices, subject to the approval of
39 the City. Such practices shall include, but are not limited to:
- 40 a. Development that adheres to the principles of “New Urbanism” or
41 “Traditional Neighborhood Development”.

- 1 b. Clustering of development.
- 2
- 3 c. Bioretention areas or ‘rain gardens.’
- 4
- 5 d. Grass swales
- 6
- 7 e. Permeable pavements
- 8
- 9 f. Redirecting rooftop runoff to functional landscape areas, rain barrels or
- 10 cisterns.
- 11
- 12 g. Narrowing street widths to the minimum width required to support
- 13 traffic, on-street parking where appropriate, and emergency vehicle
- 14 access.
- 15
- 16 h. Elimination of curb and gutter where appropriate.
- 17
- 18 i. Minimization of impervious surfaces through use of shared driveways
- 19 and parking lots.
- 20
- 21 j. Reduction in impervious driveways through reduced building setbacks.
- 22 frontages for lots.
- 23
- 24 l. Permanent educational programs to ensure that future owners and
- 25 residents of the site have an opportunity to fully understand the purpose,
- 26 function, and maintenance of each LID component.
- 27
- 28 m. Limitations on the amount of turf allowed within the site and standards
- 29 for implementation of best management practices for such turf,
- 30 including minimum fertilizer applications.
- 31
- 32 n. Reuse of stormwater.
- 33
- 34 o. Use of “Florida Friendly” plant species and preferably native species for
- 35 landscaping.
- 36
- 37 p. Use of low-volume irrigation technologies and soil moisture sensors if
- 38 potable water supply is used for irrigation.
- 39
- 40
- 41 5. Implementation of appropriate “firewise” community planning practices
- 42 shall be identified during the rezoning process and required by the PD
- 43 zoning ordinances.
- 44
- 45 6. A master storm water management plan for each geographic area proposed
- 46 for rezoning to PD must be prepared and submitted to the City for review
- 47 and approval before final development orders can be approved.

1
2 d. Single Family Land Use Areas
3

- 4 1. All areas designated Single Family land use shall be rezoned to PD prior to
5 undertaking any development for single family use within the rezoned area;
6 and
7
8 2. All of the areas designated Single Family land use within Plum Creek
9 Weyerhaeuser (Future Land Use Map, Series A) shall be limited to a total
10 maximum gross residential density of 1 residential unit per 2.5 acres (0.4
11 residential units per acre) up to a maximum of 218 residential units; and
12

13 e.d Residential Low Density Mixed-Use Office/Residential Land Use Areas
14

- 15 1. All ~~a~~Areas designated Residential Low Density Mixed-Use
16 Office/Residential land use shall be rezoned to PD prior to undertaking any
17 development, which may occur in increments over time upon request of the
18 property owner and approval by the City, for multi-family or single-family
19 use or any other housing type.
20

- 21 2. Development of a range of housing types, including, but not limited to
22 single-family detached, single-family attached, townhomes and apartments
23 is allowed. The mix of housing types shall be specifically provided in
24 the PD zoning ordinances. Clustering of residential uses to allow for
25 greater environmental sensitivity is allowed.
26

27 23. Development shall provide for pedestrian and bicyclist safety and comfort.
28

- 29 34. All of the areas designated Residential Low Density Mixed-Use
30 Office/Residential land use within Plum Creek Weyerhaeuser (Future Land
31 Use Map, Series A) shall be limited to a total maximum gross residential
32 density of 2.75 ~~20~~ residential units per acre, up to a maximum of 1,004
33 residential units, or less, as transfers Transfers of density may occur as
34 provided in Paragraph fe.3.eb. below.
35

36 fe. Planned Use District Land Use Area
37

- 38 1. Within the Planned Use District overlay, the maximum density is 20
39 dwelling units per acre and the maximum intensity of non-residential uses
40 will be regulated by the design standards of the land development code and
41 the implementing PD rezoning with building height limited to 5 stories.
42
43 2. Development within the Planned Use District area shall maximize
44 pedestrian/bicycle connections among all uses (residential and non-
45 residential) and shall maximize pedestrian and bicyclist safety and comfort.
46 A network of sidewalks and street trees shall be provided on all internal
47 streets. Sidewalk connections shall be made from the internal sidewalk

1 system to the public right-of-way adjoining the Planned Use District. To
2 minimize traffic impacts on SR 121, the implementing PDs shall maximize
3 internal roadway connectivity between residential and areas with mixed
4 uses.

- 5
- 6 2. ~~The PDs associated with the Planned Use District shall provide for transit~~
7 ~~access approved by the City's Regional Transit System (RTS), and the~~
8 ~~owner/developer shall be required to provide comfortable, multi-use transit~~
9 ~~stations when transit service is made available to Plum Creek. The~~
10 ~~owner/developer shall be required to fund transit service (capital and~~
11 ~~operations) for the development with minimum 15 minute frequencies in~~
12 ~~the a.m. and p.m. peak hours for RTS. If the funding is for a new route to~~
13 ~~serve the development, the funding for transit shall be for a minimum period~~
14 ~~of 5 years. If the funding is for expansion of an existing route to serve the~~
15 ~~development, the funding for transit shall be for a minimum period of 3~~
16 ~~years.~~

17

18 ~~Transit service shall be phased at the development to maximize successful~~
19 ~~transit routes consistent with population and density standards set by RTS~~
20 ~~as Plum Creek develops. The transit phasing plan for the required transit~~
21 ~~service shall be provided in the associated PD ordinance and shall be~~
22 ~~subject to RTS approval.~~

- 23
- 24 3. The implementing PDs district zoning for the Planned Use District area
25 shall be subject to the following standards:

- 26
- 27 a. The Planned Use District area shall allow mixed uses such as residential,
28 office, business retail, professional and financial services, schools,
29 places of religious assembly and community facilities. The area shall be
30 implemented by PD zoning ~~which shall generally adhere to the~~
31 ~~requirements of the City's Traditional Neighborhood Development~~
32 ~~District standards.~~
- 33
- 34 b. A minimum gross density of 4 residential units per acre (~~668 residential~~
35 ~~units~~) is required for the 166.89 acres of Planned Use District (PUD)
36 land use. A transfer of density from the ~~Residential Low Density Land~~
37 ~~Use Areas or the Single Family Residential Mixed-Use~~
38 ~~Office/R~~_{esidential} Land Use Areas into the PUD area may be approved
39 during PD rezonings. Any transfers of density from the ~~Residential~~
40 ~~Low Density Land Use Areas and the Single Family Mixed-Use~~
41 ~~Office/R~~_{esidential} Land Use Areas to PUD shall reduce the overall
42 number of units for the ~~Mixed-Use Office/R~~_{esidential} Residential Low-
43 Density Land Use Areas and Single Family Residential Land Use
44 Areas, respectively, allowed by the number of residential units
45 transferred.
- 46
- 47 c. Residential uses that are located above non-residential uses are allowed

1 and encouraged. Residential types allowed include townhouses,
2 apartments, plus attached and detached single-family homes.
3

- 4 d. A ~~maximum of 100,000 minimum of 15,000~~ square feet of non-
5 residential use shall be ~~allowed located~~ within the Planned Use District
6 land use ~~area, of which a maximum of 80,000 square feet shall be~~ permitted as commercial use. Except as may be otherwise provided in
7 the implementing PD zoning ordinance, each building within this zone
8 shall be allowed to be mixed with residential ~~located above and~~ non-
9 residential uses. ~~Each~~ The implementing PD zoning shall provide
10 detailed and specific design standards governing all aspects of
11 development within the PD.
12
- 13 e. Urban design standards that ensure compatibility among the various
14 allowed uses shall be included as part of the PD ordinance. Additional
15 standards may be required to address noise and lighting to further assure
16 compatibility.
17
- 18 f. The PD zoning ordinance shall, through design and performance
19 measures, assure the neighborhood, pedestrian quality of ~~Plum Creek~~
20 Weyerhaeuser by regulating building type and scale, overall building
21 appearance and orientation, placement and function of parking, loading,
22 waste disposal, access points, outdoor uses and mechanical equipment,
23 signage and landscaping.
24
- 25 g. Open space shall be provided, where appropriate, as common open
26 space serving conservation, recreation and civic needs of the Planned
27 Use District Area, subject to approval of the City.
28

29 gf. Miscellaneous Provisions
30

- 31 1. The development of the Weyerhaeuser property will be subject to the
32 requirements of the City's Transportation Mobility Program, as may be
33 amended from time to time. The owner/developer shall construct a paved
34 multi-use trail along the west side of SR 121 from the north end of the
35 development south to the existing trail at US 441. All costs incurred by the
36 owner/developer for this multi-use trail will be credited by the City against
37 the applicable owner/developer obligations required pursuant to the City's
38 Transportation Mobility Program. Should construction of the paved multi-
39 use trail not be permitted or otherwise feasible within the rights-of-way of
40 FDOT or CSX railroad, alternative improvements and/or payments may be
41 substituted in accordance with the City's Transportation Mobility Program.
42 developer has signed a binding agreement acknowledging owner/developer
43 responsibility for mitigation of transportation impacts associated with the
44 maximum amount of development identified in the future land use
45 amendment. Prior to the second reading of the first PD rezoning
46

1 ordinance(s) for Plum Creek, the owner/developer shall sign an agreement
2 associated with the transportation mobility program in effect at the time of
3 PD rezoning submittal for the first phase of the development as shown in
4 the PD ordinance. At a minimum, prior to adoption of the second reading
5 of the ordinance for any PD rezoning for any portion of Plum Creek, the
6 owner/developer shall make a payment to the City or sign a binding
7 agreement for construction of an acceptable project, which shall include
8 bonding requirements or other assurance acceptable to the City Attorney for
9 the required transportation mobility project (consistent with the
10 transportation mobility program in effect at the time of PD rezoning)
11 associated with the trip generation for the first phase as shown in the PD.
12 Subsequent to the first agreement associated with the transportation
13 mobility agreement program in effect at the time of PD rezoning, additional
14 transportation mobility agreements shall be executed prior to the issuance
15 of final site plan or subdivision final plat development orders for the
16 relevant phases of the development.

- 17
- 18 2. At the time of filing an application for the first planned development
19 rezoning, the developer shall submit to the City recommended
20 transportation mobility modifications needed to address the full build out
21 of residential and nonresidential uses authorized by Policy 4.3.4.a.1. and
22 identify funding of such modifications pursuant to the Agreement required
23 for Policy 4.3.4.g.1. herein, subject to approval by the City. Such
24 transportation modifications shall be consistent with the City's
25 transportation mobility requirements in effect at that time.

26

27 All recreation facilities that are required to ensure that the City's Recreation
28 LOS standards are maintained shall be specified in the PD rezoning
29 application and ordinance. Many of the single family areas along with
30 portions of the PUD area shall be built around pocket parks of various types,
31 subject to approval by the City. At the development stage for each phase
32 and section of the project, recreational acreage necessary to meet the
33 demands of the residential units will be provided by the owner/developer as
34 required by the Gainesville Comprehensive Plan Recreation Element. All
35 recreational amenities will be provided at the cost of the owner/developer.
36 Recreation facilities shall be provided on-site to ensure that the needs of the
37 residents of Plum Creek Weyerhaeuser are met on-site, provided that a
38 portion of the recreation need may be met through the development of active
39 recreation facilities on the adjacent property (tax parcel 07781-002-000)
40 owned by the City of Gainesville, subject to approval by the City.

- 41
- 42 3. All proposed access points to CR 231 are subject to approval by the
43 Alachua County Public Works Department. All proposed access points
44 onto SR 121 are subject to approval by the FDOT.
- 45
- 46 4. Due to the roadway operation and safety concerns of SR 121, the

1 owner/developer shall provide a traffic study acceptable to the City,
2 ~~Alachua County~~, and the Florida Department of Transportation as a part of
3 the City's subdivision or development plan approval process prior to the
4 application for each PD rezoning. The study shall analyze issues related to
5 trip generation, trip distribution, operational and safety concerns, and shall
6 propose appropriate transportation mobility modifications, consistent with
7 the transportation impacts of the development. The development shall be
8 required to meet any ~~t~~Transportation ~~m~~Mobility Program requirements in
9 effect at the time of final development plan or subdivision plat
10 approval~~application for development review~~. The developer shall provide
11 any transportation modifications that are site related and required for
12 operational or safety reasons, such as, but not limited to, new turn lanes into
13 the development, driveway modifications, or new traffic signals, and the
14 cost of such operational and safety modifications shall not be unrelated to
15 credited against the Transportation Mobility Program requirements.

- 16
- 17 5. Land use changes for ~~Plum Creek Weyerhaeuser~~ do not vest future
18 development for concurrency. All future development is subject to the ~~The~~
19 ~~owner/developer is required to apply for and meet concurrency~~
20 ~~requirements of the land development code, management certification~~
21 ~~requirements, including public school facilities and recreation mitigation at~~
22 ~~the time of filing any PD rezoning application~~.
- 23
- 24 6. The ~~Plum Creek~~ Weyerhaeuser development shall include in any Planned
25 Development Report the requirement that five percent of the residential
26 units shall be perpetually affordable, provided by a legal mechanism
27 including but not limited to deed restrictions or land trust, to households
28 earning between 80% and 120% of the median income for Alachua County
29 for a family of four as established from time to time by the U.S. Department
30 of Housing and Urban Development. Each implementing PD zoning
31 ordinance shall provide all required methods for ensuring implementation
32 of this requirement, including the requirement that the owner/developer
33 enter into a binding agreement that specifies the number of affordable units
34 that must be constructed on an approved time schedule.
- 35
- 36 7. No rezonings to PD within the area of the map labeled "~~Plum Creek~~
37 Weyerhaeuser SR 121 Overall Site" in the Future Land Use Map Series A
38 shall be adopted on final reading of the ordinance for areas north of the line
39 labeled "Phase Line" until all areas south of the same line have been rezoned
40 to PD zoning, and at least 75 percent of the infrastructure (e.g., roads,
41 sidewalks, stormwater facilities, utilities) south of the "Phase Line" has
42 been constructed and completed.
- 43
- 44 8. ~~In accordance with Policy 1.1.5 of the Public School Facilities Element and~~
45 ~~School Concurrency Alachua County, FL, Updated Interlocal Agreement~~
46 ~~for Public School Facility Planning (December 23, 2008), the Alachua~~
47 ~~County School Board submitted a school facilities capacity report. The~~

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

24 **SECTION 2.** The Comprehensive Plan Future Land Use Element Future Land Use Map Series is
25 amended as follows. Except as amended herein, the remainder of the Future Land Use Map Series
26 remains in full force and effect.

27 **Future Land Use Map Series**

- 28 • Plum Creek Weyerhaeuser SR 121 PUD and Underlying Future Land Use

29 **SECTION 3.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
30 amended by changing the land use category from Single-Family (SF) and Residential Low-Density
31 (RL) to Mixed-Use Office/Residential (MOR) on the property as shown in **Exhibit A**, which is made
32 a part hereof as if set forth in full.

33 **SECTION 4.** It is the intent of the City Commission that the provisions of Sections 1 through 3
34 of this ordinance will become and be made a part of the City of Gainesville Comprehensive Plan

1 and that the sections and paragraphs of the Comprehensive Plan may be renumbered in order to
2 accomplish such intent.

3 **SECTION 5.** The City Manager or designee is authorized and directed to make the necessary
4 changes to the City of Gainesville Comprehensive Plan in order to fully implement this ordinance.
5 The City Manager or designee is authorized to correct any typographical errors that do not affect
6 the intent of this ordinance.

7 **SECTION 6.** Within ten working days of the transmittal (first) hearing, the City Manager or
8 designee is authorized and directed to transmit this plan amendment and appropriate supporting
9 data and analyses to the reviewing agencies and to any other local government or governmental
10 agency that has filed a written request for same with the City. Within ten working days of the
11 adoption (second) hearing, the City Manager or designee is authorized and directed to transmit
12 this amendment to the state land planning agency and any other agency or local government
13 that provided comments to the City regarding the amendment.

14 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
15 the application hereof to any person or circumstance is held invalid or unconstitutional, such
16 finding will not affect the other provisions or applications of this ordinance that can be given
17 effect without the invalid or unconstitutional provision or application, and to this end the
18 provisions of this ordinance are declared severable.

19 **SECTION 8.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
20 conflict hereby superseded on the effective date of this amendment to the Comprehensive Plan.

21 **SECTION 9.** This ordinance will become effective immediately upon adoption; however, the
22 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the

1 amendment is not timely challenged, will be 31 days after the state land planning agency notifies
2 the City that the plan amendment package is complete in accordance with Section 163.3184,
3 Florida Statutes. If timely challenged, this Comprehensive Plan amendment will become effective
4 on the date the state land planning agency or the Administration Commission enters a final order
5 determining the amendment to be in compliance with Chapter 163, Florida Statutes. No
6 development orders, development permits, or land uses dependent on this Comprehensive Plan
7 amendment may be issued or commenced before this amendment has become effective.

8

9 **PASSED AND ADOPTED** this _____ day of _____, 2022.

10

11

12

13

14

15 Attest:

LAUREN POE

MAYOR

Approved as to form and legality:

16

17

18

19 OMICHELE D. GAINY

DANIEL M. NEE

20 CITY CLERK

INTERIM CITY ATTORNEY

21

22 This ordinance passed on transmittal (first) reading this _____ day of _____, 2022.

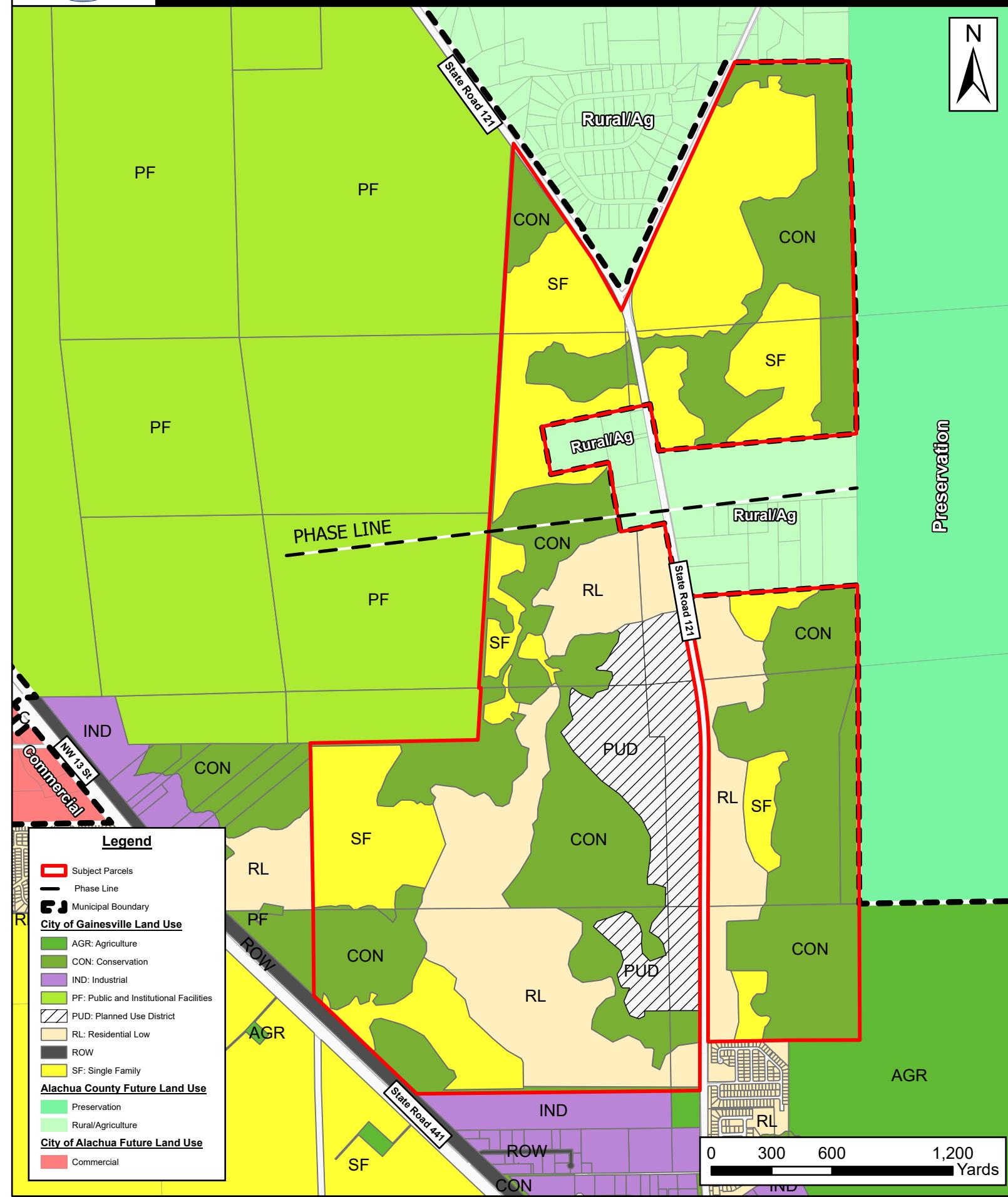
23

24 This ordinance passed on adoption (second) reading this _____ day of _____, 2022.



Existing Land Use

Exhibit A
Ordinance No. 211459
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Proposed Land Use

Exhibit A
Ordinance No. 211459
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