

LEGISLATIVE #

211459A

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.

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

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

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

WHEREAS, this ordinance, which was noticed as required by law, will amend the Future Land Use 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**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
21 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
22 to Section 163.3174, Florida Statutes, held a public hearing on September 22, 2022, and voted to

1 make a recommendation on the subject of this ordinance; and

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

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

9 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was placed
10 in the aforesaid newspaper and provided the public with at least five days' advance notice of this
11 ordinance's second public hearing (i.e., adoption hearing) to be held by the City Commission; and

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

14 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered any written
15 comments received concerning this ordinance.

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

17 **FLORIDA:**

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

20 Policy 4.3.4 The property governed by this policy shall be known as the ~~Plum Creek~~
21 ~~Development Company~~ ("Plum Creek") ~~Weyerhaeuser NR Company~~
22 ("Weyerhaeuser") for land use purposes. Due to the unique infrastructure and
23 environmental constraints of ~~"Plum Creek"~~ "Weyerhaeuser" as depicted on the map
24 labeled ~~"Plum Creek Weyerhaeuser~~ SR 121 Overall Site" in the Future Land Use

1 Map Series A, ~~Plum Creek~~ Weyerhaeuser shall be governed by the following
2 policies:

3
4 a. Within all land use areas of ~~Plum Creek~~ Weyerhaeuser:

- 5
6 1. ~~Maximum residential development of the entire 1,778 acres shall not exceed~~
7 ~~1,890 residential units and 100,000 square feet of non-residential uses of~~
8 ~~which a maximum of 80,000 square feet shall be permitted as Commercial,~~
9 ~~and these densities and square footage may be less unless the developer~~
10 ~~establishes to the City at the time of rezoning by competent substantial~~
11 ~~evidence, that the development meets the criteria and standards of this~~
12 ~~Policy 4.3.4 and the Land Development Code. In accordance with Section~~
13 ~~1.4 of the Charter Laws of Alachua County, Florida, the Alachua County~~
14 ~~Countywide Wetland Protection and Natural Resource Protection Codes~~
15 ~~apply to Weyerhaeuser and to the extent that resources protected by said~~
16 ~~codes are determined to exist on Weyerhaeuser, the requirements of said~~
17 ~~codes must be met.~~
- 18
19 2. Development shall be clustered to inhibit encroachment upon the
20 environmentally significant features of ~~Plum Creek~~ Weyerhaeuser; and
- 21
22 3. Wetlands shall not be impacted other than where necessary to achieve
23 interconnectivity between upland properties; and
- 24
25 4. Wetlands shall be protected by wetland buffers that shall be a minimum of
26 fifty (50) feet and an average of seventy-five (75) feet wide. The minimum
27 and average buffer widths shall not apply to those portions of the wetlands
28 that are impacted consistent with 4.3.4.a.3 above; and
- 29
30 5. Stormwater treatment facilities shall not be permitted within the wetland
31 buffers established pursuant to Section 4.3.4.a.4. above, except that outfall
32 structures shall be allowed within these buffers; and
- 33
34 6. Areas within the floodplain district, as defined in the City's Land
35 Development Code, shall be protected so that at least ninety (90%) percent
36 of existing floodplain areas shall not be altered by development, except that
37 recreation and stormwater management may occur within not more than
38 twenty percent (20%) of the floodplain district, and the existing floodplain
39 storage volume will be maintained; and
- 40
41 7. Stormwater best management practices and/or low impact development
42 (LID) practices shall be used to the maximum extent practicable to maintain
43 or replicate the pre-development hydrologic regime, as determined by the
44 City, and consistent with state requirements; and

- 1 8. Existing functioning ecological systems within ~~Plum Creek~~ Weyerhaeuser
2 shall be retained to the maximum extent practicable while accommodating
3 the uses and intensity of uses authorized by the land use policies governing
4 ~~Plum Creek~~ Weyerhaeuser, as determined by the City.
5
- 6 9. Maintain and enhance plant and animal species habitat and distribution
7 by protecting significant plant and animal habitats, provide for habitat
8 corridors, prevent habitat fragmentation by requiring a detailed survey of
9 listed species, identify habitat needs for maintaining species diversity and
10 sustainability; preserve wetlands and at least forty percent (40%) and up to
11 fifty percent (50%) of the upland area, inclusive of the wetland buffers
12 established pursuant to 4.3.4.a.4. above. Listed species are those species of
13 plants and animals listed as endangered, threatened, rare, or species of
14 special concern by the state and federal plant and wildlife agencies, or
15 species ranked as S1, S2, or S3 the Florida Natural Areas Inventory (FNAI).
16
- 17 10. Wetlands, wetland buffers, floodplain and upland habitat areas that are to
18 be protected shall be identified as Conservation Management Areas and
19 protected by a perpetual conservation easement in favor of the City, or a tax
20 exempt land trust doing business within Alachua County, Florida, as
21 determined by the City. Activities within the Conservation Management
22 Areas shall be as set forth in a Conservation Management Plan approved by
23 the City.
24
- 25 11. Planned Developments adopted by zoning ordinances within ~~Plum Creek~~
26 Weyerhaeuser shall impose standards that address minimum required
27 setback from SR 121 and CR 231, retention of existing vegetation and
28 supplemental vegetative plantings, fencing and other forms of screening.
29 Except where access to the property is provided, a minimum 50 foot
30 vegetative buffer shall be retained along both sides of SR 121 and CR 231
31 within ~~Plum Creek~~ Weyerhaeuser.
32
- 33 12. A natural and/or planted buffer with a minimum average width of 100 feet
34 that at no location is less than 25 feet wide, shall be retained along the entire
35 western boundary property line beginning at SR 121 at the north and ending
36 at US 441 at the south, but shall not include the southwesterly property line
37 abutting US 441.
38
- 39 13. A natural and/or planted buffer with a minimum average width of 200 feet
40 that at no location is less than 50 feet wide, shall be retained along the
41 southern boundary of ~~Plum Creek~~ Weyerhaeuser, west of SR 121, between
42 industrial and residential uses.
43
- 44 14. Planned Developments adopted pursuant to this Policy may require that
45 Weyerhaeuser provide for transit access when approved by the City's

1 Regional Transit System (RTS), and the owner/developer may be required
2 to provide comfortable, multi-use transit stations when transit service is
3 made available to Weyerhaeuser. The owner/developer may be required to
4 fund transit service (capital and operations) for the development with
5 minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS.
6 If the funding is for a new route to serve the development, the funding for
7 transit must be for a minimum period of 5 years. If the funding is for
8 expansion of an existing route to serve the development, the funding for
9 transit must be for a minimum period of 3 years.

10
11 If transit service to Weyerhaeuser is approved by RTS, transit service must
12 be phased at the development to maximize successful transit routes
13 consistent with population and density standards set by RTS as
14 Weyerhaeuser develops. The transit phasing plan for the required transit
15 service must be provided in the associated PD ordinances and will be
16 subject to RTS approval. All costs incurred by the owner/developer during
17 implementation of this requirement will be credited against its
18 Transportation Mobility Program obligation.

19
20
21 b. Conservation Land Use Areas

22
23 All areas designated Conservation land use shall receive a zoning district
24 designation of Conservation and will be regulated in accordance with said
25 zoning district except that no ~~are not permitted to have any~~ residential units may
26 be allowed and ~~There shall be~~ no transfer of density may be allowed to other
27 areas. The owner/developer shall make incremental applications for
28 Conservation zoning of areas designated Conservation land use in conjunction
29 with applications submitted for Final Development Plan or Final Plat approvals
30 within areas designated Mixed-Use Office/Residential and Planned Use District
31 land use. Such incremental applications for Conservation zoning must include
32 at least the same or greater proportion of the total Conservation land use area as
33 the application for Final Development Plan or Final Plat approval contains
34 relative to the total area having Mixed-Use Office/Residential and Planned Use
35 District land use designations.

36
37 No development, other than minimum crossings necessary to achieve
38 interconnectivity between upland developable properties, and passive
39 recreational uses is allowed as a permanent use within the Conservation Land
40 Use Areas. Silvicultural use may continue within existing planted pine
41 plantations until receiving a zoning district designation of Conservation, as
42 determined by the City.

43
44 c. ~~Single Family, Residential Low Density~~ Mixed-Use Office/Residential and
45 Planned Use District Land Use Areas
46

1. All areas designated ~~Single-Family, Residential Low-Density Mixed-Use Office/Residential~~ and Planned Use District land use shall be implemented by Planned Development (PD) zoning. The required rezoning to PD of the areas designated ~~Single-Family and Residential Low-Density Mixed-Use Office/Residential~~ may occur in increments over time upon request of the property owner and approval by the City; ~~however, r~~Rezoning of the Planned Use District (PUD) area to PD shall occur as provided in Paragraph ~~F-e~~ below entitled “Planned Use District Land Use Area”. Until such rezonings to PD are effective, the zoning district designations shall remain Agriculture for all areas designated ~~Single-Family, Residential Low-Density Mixed-Use Office/Residential~~ and Planned Use District land use with allowed uses limited to uses specified in the Agriculture zoning district; and
2. All areas that are rezoned to PD shall be designed to be traffic- calmed and pedestrian friendly; and
3. The PD rezonings for ~~Plum-Creek~~ Weyerhaeuser shall ensure that allowed uses are integrated within the existing site landscape in a way that reasonably assures the following:
 - a. Preservation of the ecological integrity of the ecosystems of ~~Plum-Creek~~ Weyerhaeuser by creating and maintaining connectivity between habitats, minimizing natural area fragmentation, and protecting wetlands, associated uplands, and floodplains as indicated in Policy 4.3.4.a. above; and
 - b. Preservation or enhancement of existing wetlands with approved treated stormwater to wetlands, limiting impacts to such wetlands to crossings necessary to achieve interconnectivity between upland properties, and requiring that any such crossings be designed to minimize wetland impacts.
4. The PD rezonings for ~~Plum-Creek~~ Weyerhaeuser shall require that appropriate “low impact development” (LID) techniques for the site must be implemented. At least 25% of stormwater from public and common area impervious surfaces must be treated through LID methods. Prior to second and final reading of each ordinance that rezones property within the Mixed-Use Office/Residential and PUD land use to PD, the owner/developer shall provide legally enforceable documents to the City that establish that a responsible entity (e.g., community development district, developer and/or ~~homeowner’s~~ association or other third party entity) will permanently provide for proper maintenance of the LID functional landscape. LID is a site design strategy for maintaining or replicating the pre- development hydrologic regime through the use of design techniques that create a

1 functionally equivalent hydrologic landscape. Hydrologic functions of
2 storage, infiltration, and ground water recharge, plus discharge volume and
3 frequency shall be maintained by integrated and distributed micro-scale
4 stormwater retention and detention areas, by the reduction of impervious
5 surfaces, and by the lengthening of flow paths and runoff time. Other LID
6 strategies include, but are not limited to, the preservation/protection of
7 environmentally sensitive site features such as wetlands, wetland buffers
8 and flood plains. Required LID facilities must be concentrated on common
9 areas rather than individual lots to better ensure effective long-term
10 maintenance by the responsible entity. Each rezoning to PD shall include
11 conditions requiring appropriate LID practices, subject to the approval of
12 the City. Such practices shall include, but are not limited to:

- 13
- 14 a. Development that adheres to the principles of “New Urbanism” or
- 15 “Traditional Neighborhood Development”.
- 16
- 17 b. Clustering of development.
- 18
- 19 c. Bioretention areas or ‘rain gardens.’
- 20
- 21 d. Grass swales
- 22
- 23 e. Permeable pavements
- 24
- 25 f. Redirecting rooftop runoff to functional landscape areas, rain barrels or
- 26 cisterns.
- 27
- 28 g. Narrowing street widths to the minimum width required to support
- 29 traffic, on-street parking where appropriate, and emergency vehicle
- 30 access.
- 31
- 32 h. Elimination of curb and gutter where appropriate.
- 33
- 34 i. Minimization of impervious surfaces through use of shared driveways
- 35 and parking lots.
- 36
- 37 j. Reduction in impervious driveways through reduced building setbacks.
- 38 frontages for lots.
- 39
- 40 l. Permanent educational programs to ensure that future owners and
- 41 residents of the site have an opportunity to fully understand the purpose,
- 42 function, and maintenance of each LID component.
- 43
- 44 m. Limitations on the amount of turf allowed within the site and standards
- 45 for implementation of best management practices for such turf,

including minimum fertilizer applications.

n. Reuse of stormwater.

o. Use of “Florida Friendly” plant species and preferably native species for landscaping.

p. Use of low-volume irrigation technologies and soil moisture sensors if potable water supply is used for irrigation.

5. Implementation of appropriate “firewise” community planning practices shall be identified during the rezoning process and required by the PD zoning ordinances.

6. A master storm water management plan for each geographic area proposed for rezoning to PD must be prepared and submitted to the City for review and approval before final development orders can be approved.

~~d. Single Family Land Use Areas~~

~~1. All areas designated Single Family land use shall be rezoned to PD prior to undertaking any development for single family use within the rezoned area; and~~

~~2. All of the areas designated Single Family land use within Plum Creek Weyerhaeuser (Future Land Use Map, Series A) shall be limited to a total maximum gross residential density of 1 residential unit per 2.5 acres (0.4 residential units per acre) up to a maximum of 218 residential units; and~~

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

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

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

~~23. Development shall provide for pedestrian and bicyclist safety and comfort.~~

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

fe. Planned Use District Land Use Area

1. Within the Planned Use District overlay, the maximum density is 60 dwelling units per acre and the maximum intensity of non-residential uses will be regulated by the design standards of the land development code and the implementing PD rezoning with building height limited to 88 feet.

2. Development within the Planned Use District area shall maximize pedestrian/bicycle connections among all uses (residential and non-residential) and shall maximize pedestrian and bicyclist safety and comfort. A network of sidewalks and street trees shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the public right-of-way adjoining the Planned Use District. To minimize traffic impacts on SR 121, the implementing PDs shall maximize internal roadway connectivity between residential and areas with mixed uses.

~~2. The PDs associated with the Planned Use District shall provide for transit access approved by the City's Regional Transit System (RTS), and the owner/developer shall be required to provide comfortable, multi-use transit stations when transit service is made available to Plum Creek. The owner/developer shall 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 shall 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 shall be for a minimum period of 3 years.~~

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

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

- 1 a. The Planned Use District area shall allow mixed uses such as residential,
2 office, business retail, professional and financial services, schools,
3 places of religious assembly and community facilities. The area shall be
4 implemented by PD zoning ~~which shall generally adhere to the~~
5 ~~requirements of the City's Traditional Neighborhood Development~~
6 ~~District standards.~~
- 7
- 8 b. A minimum gross density of 4 residential units per acre ~~(668 residential~~
9 ~~units)~~ is required for the 166.89 acres of Planned Use District (PUD)
10 land use. A transfer of density from the ~~Residential Low-Density Land~~
11 ~~Use Areas or the Single-Family Residential~~Mixed-Use
12 Office/Residential Land Use Areas into the PUD area may be approved
13 during PD rezonings. Any transfers of density from the ~~Residential~~
14 ~~Low-Density Land Use Areas and the Single-Family~~Mixed-Use
15 Office/Residential Land Use Areas to PUD shall reduce the overall
16 number of units for the Mixed-Use Office/Residential ~~Residential Low-~~
17 ~~Density Land Use Areas and Single-Family Residential~~ Land Use
18 Areas, ~~respectively~~, allowed by the number of residential units
19 transferred.
- 20
- 21 c. Residential uses that are located above non-residential uses are allowed
22 and encouraged. Residential types allowed include townhouses,
23 apartments, plus attached and detached single-family homes.
- 24
- 25 d. A ~~maximum of 100,000~~ minimum of 15,000 square feet of non-
26 residential use shall be ~~allowed~~ located within the Planned Use District
27 land use ~~area, of which a maximum of 80,000 square feet shall be~~
28 ~~permitted as commercial use.~~ Except as may be otherwise provided in
29 the implementing PD zoning ordinance, each building within this zone
30 shall be allowed to be mixed with residential ~~located above and~~ non-
31 residential uses. ~~Each~~The implementing PD zoning shall provide
32 detailed and specific design standards governing all aspects of
33 development within the PD.
- 34
- 35 e. Urban design standards that ensure compatibility among the various
36 allowed uses shall be included as part of the PD ordinance. Additional
37 standards may be required to address noise and lighting to further assure
38 compatibility.
- 39
- 40 f. The PD zoning ordinance shall, through design and performance
41 measures, assure the neighborhood, pedestrian quality of ~~Plum Creek~~
42 Weyerhaeuser by regulating building type and scale, overall building
43 appearance and orientation, placement and function of parking, loading,
44 waste disposal, access points, outdoor uses and mechanical equipment,
45 signage and landscaping.

- 1
2 g. Open space shall be provided, where appropriate, as common open
3 space serving conservation, recreation and civic needs of the Planned
4 Use District Area, subject to approval of the City.
5

6 gf. Miscellaneous Provisions
7

- 8 1. The development of the Weyerhaeuser property will be subject to the
9 requirements of the City's Transportation Mobility Program, as may be
10 amended from time to time. The owner/developer shall construct a paved
11 multi-use trail along the west side of SR 121 from the north end of the
12 development south to the existing trail at US 441. All costs incurred by the
13 owner/developer for this multi-use trail will be credited by the City against
14 the applicable owner/developer obligations required pursuant to the City's
15 Transportation Mobility Program. Should construction of the paved multi-
16 use trail not be permitted or otherwise feasible within the rights-of-way of
17 FDOT or CSX railroad, alternative improvements and/or payments may be
18 substituted in accordance with the City's Transportation Mobility Program.
19 ~~developer has signed a binding agreement acknowledging owner/developer~~
20 ~~responsibility for mitigation of transportation impacts associated with the~~
21 ~~maximum amount of development identified in the future land use~~
22 ~~amendment. Prior to the second reading of the first PD rezoning~~
23 ~~ordinance(s) for Plum Creek, the owner/developer shall sign an agreement~~
24 ~~associated with the transportation mobility program in effect at the time of~~
25 ~~PD rezoning submittal for the first phase of the development as shown in~~
26 ~~the PD ordinance. At a minimum, prior to adoption of the second reading~~
27 ~~of the ordinance for any PD rezoning for any portion of Plum Creek, the~~
28 ~~owner/developer shall make a payment to the City or sign a binding~~
29 ~~agreement for construction of an acceptable project, which shall include~~
30 ~~bonding requirements or other assurance acceptable to the City Attorney for~~
31 ~~the required transportation mobility project (consistent with the~~
32 ~~transportation mobility program in effect at the time of PD rezoning)~~
33 ~~associated with the trip generation for the first phase as shown in the PD.~~
34 ~~Subsequent to the first agreement associated with the transportation~~
35 ~~mobility agreement program in effect at the time of PD rezoning, additional~~
36 ~~transportation mobility agreements shall be executed prior to the issuance~~
37 ~~of final site plan or subdivision final plat development orders for the~~
38 ~~relevant phases of the development.~~
39
40 2. ~~At the time of filing an application for the first planned development~~
41 ~~rezoning, the developer shall submit to the City recommended~~
42 ~~transportation mobility modifications needed to address the full build-out~~
43 ~~of residential and nonresidential uses authorized by Policy 4.3.4.a.1. and~~
44 ~~identify funding of such modifications pursuant to the Agreement required~~
45 ~~for Policy 4.3.4.g.1. herein, subject to approval by the City. Such~~

1 ~~transportation modifications shall be consistent with the City's~~
2 ~~transportation mobility requirements in effect at that time.~~

3
4 All recreation facilities that are required to ensure that the City's Recreation
5 LOS standards are maintained shall be specified in the PD rezoning
6 application and ordinance. ~~Many of the single-family areas along with~~
7 ~~portions of the PUD area shall be built around pocket parks of various types,~~
8 ~~subject to approval by the City.~~ At the development stage for each phase
9 and section of the project, recreational acreage necessary to meet the
10 demands of the residential units will be provided by the owner/developer as
11 required by the Gainesville Comprehensive Plan Recreation Element. All
12 recreational amenities will be provided at the cost of the owner/developer.
13 Recreation facilities shall be provided on-site to ensure that the needs of the
14 residents of ~~Plum Creek~~ Weyerhaeuser are met on-site, provided that a
15 portion of the recreation need may be met through the development of active
16 recreation facilities on the adjacent property (tax parcel 07781-002-000)
17 owned by the City of Gainesville, subject to approval by the City.

- 18
19 3. All proposed access points to CR 231 are subject to approval by the
20 Alachua County Public Works Department. All proposed access points
21 onto SR 121 are subject to approval by the FDOT.
22
23 4. Due to the roadway operation and safety concerns of SR 121, the
24 owner/developer shall provide a traffic study acceptable to the City,
25 ~~Alachua County,~~ and the Florida Department of Transportation as a part of
26 the City's subdivision or development plan approval process prior to the
27 ~~application for each PD rezoning.~~ The study shall analyze issues related to
28 trip generation, trip distribution, operational and safety concerns, and shall
29 propose appropriate transportation mobility modifications, consistent with
30 the transportation impacts of the development. The development shall be
31 required to meet any ~~Transportation~~ Mobility Program requirements in
32 effect at the time of final development plan or subdivision plat
33 approval~~application for development review.~~ The developer shall provide
34 any transportation modifications that are site related and required for
35 operational or safety reasons, such as, but not limited to, new turn lanes into
36 the development, driveway modifications, or new traffic signals, and the
37 cost of such operational and safety modifications shall not be ~~unrelated to~~
38 credited against the Transportation Mobility Program requirements.
39
40 5. Land use changes for ~~Plum Creek~~ Weyerhaeuser do not vest future
41 development for concurrency. All future development is subject to the ~~The~~
42 ~~owner/developer is required to apply for and meet~~ concurrency
43 requirements of the land development code. ~~management certification~~
44 ~~requirements, including public school facilities and recreation mitigation at~~
45 ~~the time of filing any PD rezoning application.~~

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6. The ~~Plum Creek~~ Weyerhaeuser development shall include in any Planned Development Report the requirement that five percent of the residential units shall be perpetually affordable, provided by a legal mechanism including but not limited to deed restrictions or land trust, to households earning between 80% and 120% of the median income for Alachua County for a family of four as established from time to time by the U.S. Department of Housing and Urban Development. Each implementing PD zoning ordinance shall provide all required methods for ensuring implementation of this requirement, including the requirement that the owner/developer enter into a binding agreement that specifies the number of affordable units that must be constructed on an approved time schedule.
 7. No rezonings to PD within the area of the map labeled “~~Plum Creek~~ Weyerhaeuser SR 121 Overall Site” in the Future Land Use Map Series A shall be adopted on final reading of the ordinance for areas north of the line labeled “Phase Line” until all areas south of the same line have been rezoned to PD zoning, and at least 75 percent of the infrastructure (e.g., roads, sidewalks, stormwater facilities, utilities) south of the “Phase Line” has been constructed and completed.
 8. ~~In accordance with Policy 1.1.5 of the Public School Facilities Element and School Concurrence Alachua County, FL, Updated Interlocal Agreement for Public School Facility Planning (December 23, 2008), the Alachua County School Board submitted a school facilities capacity report. The report concludes that projected student demand resulting from Plum Creek Development at the elementary, middle and high school levels can reasonably be accommodated for the five, ten and twenty year planning periods and is consistent with the Public School Facilities Element based upon School District not constitute a school capacity availability determination or concurrency certification, it does not reserve school capacity for Plum Creek, and it does not vest Plum Creek for school concurrence. At the time of application for a development order for Plum Creek, the developer shall apply for and obtain concurrency certification in compliance with the City Comprehensive Plan, Code of Ordinances and state law. Prior to approval of any development order, the City shall coordinate with the School Board and determine availability of school capacity within the applicable School Concurrence Service Area. A Capacity Enhancement Agreement or other mitigation option as provided for in Policies 1.1.7 and 2.5.1 through 2.5.4 of the Public School Facilities Element may be required at that time to ensure continued compliance with all applicable provisions of the City Comprehensive Plan, Code of Ordinances and state law. In the absence of a Capacity Enhancement Agreement or other mitigation option being approved fulfilling the concurrency requirement, the City will not issue a concurrency certification~~

1 if capacity is unavailable, and such circumstance can result in a delay or
2 denial of a development order for ~~Plum Creek~~ Weyerhaeuser.
3

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

7 **Future Land Use Map Series**

- 8
 - ~~Plum Creek~~ Weyerhaeuser SR 121 PUD and Underlying Future Land Use

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

13 **SECTION 4.** It is the intent of the City Commission that the provisions of Sections 1 through 3
14 of this ordinance will become and be made a part of the City of Gainesville Comprehensive Plan
15 and that the sections and paragraphs of the Comprehensive Plan may be renumbered in order to
16 accomplish such intent.

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

21 **SECTION 6.** Within ten working days of the transmittal (first) hearing, the City Manager or
22 designee is authorized and directed to transmit this plan amendment and appropriate supporting
23 data and analyses to the reviewing agencies and to any other local government or governmental

1 agency that has filed a written request for same with the City. Within ten working days of the
2 adoption (second) hearing, the City Manager or designee is authorized and directed to transmit
3 this amendment to the state land planning agency and any other agency or local government
4 that provided comments to the City regarding the amendment.

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

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

12 **SECTION 9.** This ordinance will become effective immediately upon adoption; however, the
13 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
14 amendment is not timely challenged, will be 31 days after the state land planning agency notifies
15 the City that the plan amendment package is complete in accordance with Section 163.3184,
16 Florida Statutes. If timely challenged, this Comprehensive Plan amendment will become effective
17 on the date the state land planning agency or the Administration Commission enters a final order
18 determining the amendment to be in compliance with Chapter 163, Florida Statutes. No
19 development orders, development permits, or land uses dependent on this Comprehensive Plan
20 amendment may be issued or commenced before this amendment has become effective.

21

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

2

3

4

LAUREN POE

5

MAYOR

6

7 Attest:

Approved as to form and legality:

8

9

10 _____
OMICHELE D. GAINEY

DANIEL M. NEE

11 CITY CLERK

INTERIM CITY ATTORNEY

12

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

14

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