

ORDINANCE NO. 090538

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property within the City, commonly referred to as "Butler Plaza" and generally located between Southwest Archer Road and Southwest 24th Avenue, and between Southwest 40th Boulevard and Southwest 34th Street as more specifically described in this Ordinance, from the Alachua County zoning districts of "Automotive Oriented Business" (BA), "Retail Sales and Services" (BR), "Highway Oriented Businesses" (BH), "Manufactured/Mobile Home Park" (RM), "Manufacturing and Services Industrial" (MS), "Residential Multi-Family" (R-2), "Residential Multi-Family" (R-3), "Residential Single Family" (R-1C), "Residential and Professional" (RP) to City of Gainesville "Planned Development" (PD) zoning district; adopting a development plan report and development plan maps; providing conditions, restrictions and regulations; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, by initiation of a petition by the property owners, as co-applicants, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain property within the City from the Alachua County zoning districts of "Automotive Oriented Business" (BA), "Retail Sales and Services" (BR), "Highway Oriented Businesses" (BH), "Manufactured/Mobile Home Park" (RM), "Manufacturing and Services Industrial" (MS), "Residential Multi-Family" (R-2), "Residential Multi-Family" (R-3), "Residential Single Family" (R-1C), "Residential and Professional" (RP) to City of Gainesville "Planned Development" (PD) zoning district; and

WHEREAS, notice was given and publication made as required by law and public hearings were held by the City Plan Board on September 21, 2009, September 29, 2009 and

1 October 7, 2009 and by the City Commission on November 30, 2009; December 1, 2009,
2 August 19, 2010, December 13, 2010 and May 9, 2011; and

3 **WHEREAS**, the City Commission finds that the rezoning of the property described
4 herein will be consistent with the City of Gainesville Comprehensive Plan; and

5 **WHEREAS**, at least ten (10) days notice has been given of the public hearings once by
6 publication in a newspaper of general circulation notifying the public of this proposed ordinance
7 and of public hearings in the City Commission meeting room, First Floor, City Hall, in the City
8 of Gainesville; and

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

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

14 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
15 following described property from the Alachua County zoning districts "Automotive Oriented
16 Business" (BA), "Retail Sales and Services" (BR), "Highway Oriented Businesses" (BH),
17 "Manufactured/Mobile Home Park" (RM), "Manufacturing and Services Industrial" (MS),
18 "Residential Multi-Family" (R-2), "Residential Multi-Family" (R-3), "Residential Single
19 Family" (R-1C), "Residential and Professional" (RP) to City of Gainesville "Planned
20 Development" (PD) zoning district:

21 See Legal Description attached hereto as Exhibit "A", and made a part

1 hereof as if set forth in full. For visual reference, the property is shown on
2 Exhibit "B". In the event of conflict or inconsistency, Exhibit "A" shall
3 prevail over Exhibit "B".
4

5 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
6 the Zoning Map Atlas to comply with this Ordinance.

7 **Section 3.** The use and development of the property described herein zoned Planned
8 Development (PD) shall be governed by the terms, conditions, and limitations of this Ordinance
9 and shall be consistent with Planned Use District Ordinance No. 090537 adopted August 5, 2010.
10 In the event of conflict or inconsistency, the order of precedence shall be the order listed below,
11 with number (1) taking precedence over number (2) and so on. Exhibits "A" through "I" are
12 attached, incorporated and adopted as a part of this Ordinance as if set forth in full in the text of
13 this Ordinance.

14 (1) The Planned Development conditions set forth in Section 4 of this Ordinance and
15 conditions set forth in Exhibit "C-1" (consisting of 5 pages) and Exhibit "C-2"
16 (consisting of 5 pages) attached to this Ordinance;

17 (2) The Development Plan Maps attached to this Ordinance, consisting of:

18 (a) Existing Conditions Map(s) (consisting of 4 sheets, dated September 2011),
19 attached as Exhibit "E;"

20 (b) PD Layout Plan Map (consisting of 2 sheets, dated December 2011 and
21 October 2011, respectively) attached as Exhibit "F;"

22 (c) Typical Sections (consisting of 6 sheets, dated September 2011) attached as
23 Exhibit "G";

(d) Bicycle and Pedestrian Circulation Maps (consisting of 2 sheets, dated October 2011) attached as Exhibit "H"; and

(e) Architectural Guidelines (dated revised June 22, 2011) attached as Exhibit "I."

(3) The Development Plan Report titled "Butler Plaza Planned Development PD Report" dated December 2011 and attached as Exhibit "D" to this Ordinance;

(4) The City's Land Development Code.

Section 4. The following conditions, restrictions and regulations shall apply to the use and development of the property zoned Planned Development (PD):

Condition 1. The owner/developer shall, at its sole expense, complete certain infrastructure and improvements at certain development stages as follows:

- a. Prior to issuance of the first certificate of occupancy for any new building in any Subarea (as identified in Exhibit "F"), construct a southbound turn lane at the Archer Rd/I-75 interchange, subject to review and approval by the Florida Department of Transportation.
- b. Prior to the first certificate of occupancy being issued in Subarea 2 or Subarea 3 (as identified in Exhibit "F"), construct a transit transfer station and a 50-space park-and-ride lot (with landscaping and pedestrian connections to the transfer station) with two access points on public streets. Upon inspection and acceptance by the City, the owner/developer shall convey the transit transfer station and the 50-space park-and-ride lot to the City, at no cost to the City. The owner/developer shall pay all costs associated with the transfer.
 1. The transit transfer station and the 50-space park-and-ride lot shall be located within Area SW2 as identified on the PD Layout Map attached as Exhibit "F." The maximum combined area required for the transfer station and park-and-ride lot shall be two acres, including required stormwater management facilities for the transfer station and park and ride lot. The two acres shall not include stormwater management facilities that serve other development within the PD. Prior to second reading of this Ordinance, the owner/developer shall execute a construction agreement that specifies the minimum development standards,

conveyance and easement requirements, and surety requirements for the transit transfer station and park-and-ride lot.

2. The cost that the owner/developer shall be required to expend for the design, development approvals and construction (excluding land costs) of the transfer station (excluding the 50-space park-and-ride lot) shall not exceed \$1 million. The station shall include separate public and RTS staff restroom facilities, bicycle racks and storage, route map/information kiosks, minimum number of bays necessary to accommodate 6 buses and amenities for rider convenience including shelter, landscaping, lighting, seating and trash receptacles.
- c. Prior to the first certificate of occupancy being issued in the Town Center (TC), Village Retail (VR), Destination Retail (DR), Office Park (OP) or Frontage Commercial (FC) Districts, all as identified in Exhibit "F", construct and upon inspection and acceptance by the City, convey (if a public right-of-way) to the City, at no cost to the City, the following:
1. SW 62nd Boulevard from Archer Road to SW 24th Avenue, including all of the required intersection modifications at Archer Rd, Windmeadows Blvd/SW 33rd Pl, SW 42nd St and SW 24th Ave. If the owner/developer elects to defer construction of the dedicated transit lanes within the SW 62nd Boulevard median from SW 24th Avenue to Windmeadows Boulevard, the owner/developer shall provide the City with security in one of the forms specified in Sec. 30-186 of the City's Land Development Code (as that section may be amended or renumbered from time to time) and such security shall be equal to 120 percent of the estimated cost of construction for the dedicated transit lanes. Such security is required to ensure construction shall occur no later than the construction of dedicated transit lanes on SW 62nd Boulevard between SW 24th Avenue and SW 20th Avenue.
 2. SW 42nd Street from SW 38th Terrace to SW 62nd Boulevard shall be reconstructed in accordance with Typical Section "B".
 3. A section of the Archer Braid Trail, a 12 foot-wide multi-use path, from SW 40th Boulevard to SW 62nd Boulevard as shown on Exhibit "H". In this section, the Archer Braid Trail shall be constructed in lieu of a sidewalk on one side of the street. The exact route and design of path shall be determined during development plan review.
 4. SW 30th Avenue from SW 40th Blvd to SW 42nd Street in accordance with Typical Section "B."

- 1 5. If all of the specific improvements numbered 1 – 4 above are under construction and
2 all are within three months of being completed (except for the dedicated transit lanes
3 which may be deferred as set forth in 1), as determined by the City Public Works
4 Department, a certificate of occupancy may be issued for any development provided
5 the owner/developer provides the City with security in one of the forms specified in
6 Sec. 30-186 of the City's Land Development Code (as that section may be amended
7 or renumbered from time to time) and such security is equal to 120 percent of the
8 estimated costs of the remaining construction, and further provided the necessary
9 traffic control signage is installed if the roadway is sufficiently complete to be open to
10 traffic.
11
12 d. Within one year of the first building permit being issued in the TC, VR, DR, OP, or FC
13 districts, construct the below listed improvements within Subarea 1 (as identified in
14 Exhibit "F.") No further building permits shall be issued in any Subarea of the PD until
15 the improvements are completed.
16
17 1. Where FDOT has eliminated median openings in Archer Road the obsolete turn
18 lane entrances in the PD will be renovated to replace some asphalt with pedestrian
19 features and landscaped open space.
20
21 2. Proposed sidewalks as shown on the Pedestrian Circulation Map attached as
22 Exhibit "H."
23
24 3. Native drought-tolerant shrubs planted in grassed islands only within areas ER4,
25 ER5 and ER6 as identified in the PD Layout Map attached as Exhibit "F."
26
27 e. Prior to any certificate of occupancy being issued within the OP or TC districts, construct
28 and upon inspection and acceptance by the City, convey (if a public right-of-way) to the
29 City, at no cost to the City, the following:
30
31 1. SW 38th Terrace between SW 62nd Boulevard and SW 24th Avenue in accordance
32 with Typical Section "A". The full extent of SW 38th Terrace within the PD shall be
33 dedicated, at no cost to the City, as a public street following inspection and
34 acceptance by the City. SW 38th Terrace shall include additional measures for the
35 protection of bicyclists (such as, but not limited to, signage and pavement markings)
36 crossing the intersection at SW 62nd Boulevard and SW 38th Terrace.
37
38 2. Signalization and westbound left turn lane modifications at the intersection of SW
39 38th Terrace and SW 20th Avenue in accordance with the City's Traffic Management
40 System (TMS) standards and the Highway Capacity Manual.
41

- 1 3. A section of the Archer Braid Trail, a 12-foot wide multi-use path, from SW 62nd
2 Boulevard to SW 24th Avenue as shown on Exhibit "H." The exact route and design
3 of path shall be determined during development plan review; however it shall connect
4 to the existing multi-use trail that is north of SW 24th Avenue.
5
- 6 4. SW 42nd Street between SW 62nd Boulevard and SW 24th Avenue in accordance
7 with Typical Section "B". The full extent of SW 42nd Street within the PD shall be
8 dedicated, at no cost to the City, as a public street following construction and
9 acceptance by the City.
10
- 11 5. Operational and safety modifications to the intersections of SW 34th Street and
12 Windmeadows Boulevard, SW 34th Street and SW 24th Avenue, SW 34th Street and
13 SW 20th Avenue, Archer Road and SW 40th Boulevard, and SW 40th Boulevard and
14 SW 42nd Street. The specific modifications shall be identified in a traffic study (that
15 accounts for the then current total cumulative impacts of development that has been
16 constructed within the PD after the effective date of this Ordinance) submitted by the
17 applicant concurrent with the first development plan review in the OP or TC district,
18 and subject to review and approval by FDOT and the City.
19
- 20 6. If all of the specific improvements numbered 1- 5 above are under construction and
21 all are within three months of being completed, as determined by the City Public
22 Works Department, a certificate of occupancy may be issued for any development
23 provided the owner/developer provides the City with security in one of the forms
24 specified in Sec. 30-186 of the City's Land Development Code (as that section may
25 be amended or renumbered from time to time) and such security is equal to 120
26 percent of the estimated costs of the remaining construction, and further provided the
27 necessary traffic control signage is installed if the roadway is sufficiently complete to
28 be open to traffic.
29
- 30 f. Prior to any certificate of occupancy being issued within the VR district, construct and
31 upon inspection and acceptance by the City, convey to the City, at no cost to the City, the
32 following:
33
- 34 1. SW 38th Terrace between SW 42nd Street and SW 62nd Boulevard in accordance
35 with Typical Section "A". If SW 38th Terrace is under construction and is within
36 three months of being completed, as determined by the City Public Works
37 Department, a certificate of occupancy may be issued for any development provided
38 the owner/developer provides the City with security in one of the forms specified in
39 Sec. 30-186 of the City's Land Development Code (as that section may be amended
40 or renumbered from time to time) and such security is equal to 120 percent of the
41 estimated costs of the remaining construction, and further provided the necessary

1 traffic control signage is installed if the roadway is sufficiently complete to be open to
2 traffic.

3
4 2. SW 30th Terrace between SW 62nd Boulevard and SW 42nd Street in accordance
5 with Typical Section "C."

- 6
7 g. At the time of development plan review within Areas TC4 or TC6.1, at least one direct
8 vehicular access shall be coordinated with the Windmeadows Apartments development to
9 the east. At a minimum, property shall be reserved in the appropriate locations to allow
10 for the future establishment of vehicular access at the time when the Windmeadows
11 property owner is willing to allow for such connections or the Windmeadows property is
12 redeveloped.
13
14 h. At the time of the development plan review within Area DR1.2, the possibility shall be
15 explored for a vehicular connection to SW 29th Avenue to the west. At a minimum,
16 property shall be reserved in the appropriate locations to allow for future establishment of
17 vehicular access at the time when the property owners to the west are willing to allow for
18 such connections or the properties to the west are redeveloped.
19
20 i. With the first development plan review in Area TC1.1, TC1.2, or TC1.3, construct a
21 raised intersection to allow for safe pedestrian crossing, at the intersection of SW 38th
22 Terrace and the Town Center main street. The design of the raised intersection shall be
23 subject to review and approval by the City during development plan review.
24
25 j. With the first development plan review within the Town Center District, construct at least
26 one mid-block textured pedestrian crosswalk (with curb ramps) across Windmeadows
27 Boulevard in order to provide safe connection from the Windmeadows Apartments
28 development to Subarea 1. The design and location of this crosswalk shall be subject to
29 review and approval by the City during development plan review.
30
31 k. When the estimated net, new cumulative average daily trip generation, based on square
32 footage, reaches a threshold of 9,775 trips, the owner/developer shall commence an
33 Interchange Modification Report (IMR) for the Archer Rd/I-75 interchange. The IMR
34 shall be completed within 18 months from when it is commenced.
35
36 l. Development plans within the PD that are adjacent to a planned or existing transit route
37 shall be reviewed by RTS to evaluate and specify the requirements for the
38 owner/developer to construct new transit stops or improvements to existing transit stops.
39 The location of the transit stops shall be convenient for transit riders and highly visible.
40 The transit stops shall be designed and equipped for rider safety and comfort, with
41 amenities such as, but not limited to shelter, lighting, seating, trash receptacles and

bicycle racks. The cost of any new transit stops or improvements to existing transit stops shall be creditable toward the transit proportionate fair share required for the PD as set forth in Condition 16.

- m. During the period between the start of roadway construction on the public roads and final acceptance of the public roadways by the City, including the conveyance of the associated rights-of-way, the owner shall be responsible for the maintenance and safe operation of the roadway facilities and directly associated lands. In order for the City to give final acceptance of the constructed roadway facilities and acceptance of the associated right-of-way, the owner shall provide to the City a maintenance surety consistent with Sec. 30-186(f) of the Land Development Code (as that Section may be amended or renumbered from time to time.)

Condition 2. For the purpose of implementing redevelopment, Subarea 1 is divided into seven areas (ER1 – ER7) as shown on the PD Layout Map attached as Exhibit “F.” When 51 percent or more of the existing building area within an area is removed or reconstructed, or more than a 25 percent increase in the building area within an area is added with new development, an amendment to this PD ordinance for the entire area must be proposed by the owner/developer, subject to approval by the City Commission. No new certificates of occupancy can be issued within the area until the entire area is reconstructed consistent with the requirements of such an approved PD ordinance amendment. The PD ordinance amendment shall include, at a minimum, a new street grid system that reflects a maximum block perimeter of 2000 feet, street sections assigned to each street, the location of major bicycle and pedestrian facilities, minimum requirements for building orientation and articulation, and zoning standards including build-to lines. The percentages of building removal or reconstruction and of new construction shall be evaluated cumulatively as development occurs over time within an area, starting from the effective date of this PD ordinance. The requirements of this condition shall not be applied to regular maintenance activities, tenant turnover, cosmetic changes to buildings, interior tenant improvements or replacements due to casualty, regardless of size.

Condition 3. The permitted uses within each district are specified in Exhibit “C-1.” No more than eight large scale retail uses (single retail uses with ground floor footprints exceeding 100,000 square feet) shall be allowed within the PD. Outside storage and display areas may be permitted as an accessory use within the PD. These areas must be specifically requested and designated on development plans, and shall be limited to no more than 25% of the floor area of the primary use. Outside storage and display areas located within 50 feet of a public right-of-way or residential use shall be screened from the public right-of-way or residential use by a masonry wall, wooden fence, or hedge.

Condition 4. Development standards for each district are specified in Exhibit “C-2.”

1
2 Condition 5. Drive-through facilities shall be prohibited within the Town Center District. In
3 all other districts, drive-through facilities shall be allowed by Special Use Permit, subject to
4 compliance with the following additional review criteria:
5

- 6 1. Provision of safe pedestrian and bicycle routes which connect to the street sidewalk and
7 adjacent developments and do not cross drive-through lanes;
8
- 9 2. Bicycle parking located near the front entrances of buildings;
10
- 11 3. Adequate queuing space for vehicles such that there is no back-up of traffic onto adjacent
12 roadways;
13
- 14 4. Provision of a by-pass lane or sufficient driveway area around the drive-through lanes to
15 assist internal vehicular circulation;
16
- 17 5. Location of drive-through lanes away from street frontages and along the side or rear of
18 buildings (for corner lots, drive-through lanes may be located only along the secondary street
19 and only when screened by additional landscaping including 65-gallon evergreen street trees
20 and a row of shrubs or garden wall);
21
- 22 6. Provision of an appropriate number of drive-through lanes based on the operating
23 conditions of the impacted public streets and operational and safety concerns at the site, not
24 to exceed four total lanes per use (demonstration of the appropriate number of lanes may
25 require a special traffic study at development review);
26
- 27 7. No direct driveway connections to public right-of-way or private streets (except for
28 'private access streets' as shown on the PD Layout Map attached as Exhibit "F"; and
29
- 30 8. Design of access points and ingress/egress directional flows to minimize impacts on the
31 internal access roadway and non-motorized traffic.
32

33 Condition 6. To the extent possible based on engineering design factors, common
34 stormwater facilities shall be located within the areas identified as SW on the PD Layout
35 Map, but the actual facilities shall be designed at development plan review. Stormwater
36 facilities serving individual buildings or developments are allowed within all areas. Final
37 stormwater locations shall be determined based on a master stormwater plan to be prepared
38 by the owner/developer and subject to review and approval by the City. At least 1,500 feet of
39 the total frontage of the PD along SW 24th Avenue must be reserved for development, other
40 than stormwater facilities.
41

Stormwater facilities shall satisfy the requirements of the St. Johns River Water Management District and the City's Land Development Code. The edges of the stormwater basins along public streets shall also be designed to function as linear parks. So that they are indicative of natural areas, all basins shall be designed with curvilinear sides. Wet basins shall include littoral zones for 20% of the basin perimeter, and dry basins shall be designed with an initial tier, or forebay, or other stormwater system component that is designed to capture the majority of sediments. Where the basins are adjacent to street frontages, they shall provide the required landscaping for stormwater basins as well as the required street buffer landscaping. Every 500 feet of basin perimeter shall include a basic pedestrian amenity, such as a bench and trash receptacle. Chain link fencing shall not be used in or around basins.

During development plan review, each new development (excluding public right-of-way and private streets), shall demonstrate the use of at least one of the below listed Low Impact Design (LID) stormwater techniques. From the time LID system components are installed, the property owner shall thereafter maintain the LID system components in good and working order.

1. The development is designed so that at least 25% of the runoff from the parking area is pre-treated before discharge to a stormwater basin or otherwise utilized through one or more of the following LID system components:
 - a. Vegetated filter strips;
 - b. Open conveyance swales, biofiltration swales, or perforated conveyance systems;
 - c. Rain barrels or tree box filters;
 - d. Stormwater cisterns to collect stormwater runoff for reuse; or
 - e. Permeable pavement
2. Buildings within the development are designed with green roofs.
3. Irrigation within the development is provided from reuse stormwater from the master stormwater basin, rain barrels, or cisterns.

Within all development in the PD, impervious areas shall be reduced by utilizing the minimum sizes for parking spaces and drive aisles where possible.

Condition 7. Tree preservation should be an integral part of the PD. Except as specifically provided in this ordinance, all new development within the PD will, at a minimum, meet the City's tree preservation regulations in effect at the time of development plan approval.

1. Within Subareas 2 and 3: At least 25% of the high quality Heritage Live Oaks in excellent or good condition as identified on the September 4, 2009 Qualitative Tree Survey that are located in the undeveloped areas within the PD shall be preserved. Trees that are located within proposed or existing street rights-of-way shall be included in this calculation. Of the trees required to be preserved, at least 37 trees should be located within the TC, FC, DR, and VR Districts identified on the PD Layout Map. With each development plan approval, it must be demonstrated that the minimum 25% tree preservation standard has been met with the combined developments at that point.
2. Within Subarea 1: All 13 high-quality Heritage Live Oaks identified on the Qualitative Tree Survey within the ER District, as well as the existing Live Oaks along Windmeadows Boulevard, shall be preserved, except where the preservation of individual trees is determined to be infeasible at development plan review by the appropriate reviewing entity.
3. An area equal to 2/3 of the area under the canopy drip line of Heritage Trees that will be preserved must be protected from significant grading changes (as determined by the City manager or designee), unless a water air exchange system or other measure deemed adequate by the City manager or designee is installed for the Heritage Tree. A certified arborist must be present during construction activities that are occurring within the drip line and that require the use of mechanical construction equipment.
4. Tree mitigation calculations for Heritage Trees of high quality species in good or excellent condition that are removed will be required on an inch-for-inch basis. Tree mitigation for non-Heritage regulated trees shall not be required. A tree survey of non-heritage trees will not be required.

Condition 8. Landscaping should be an integral part of the PD, defining major entryways and vehicular and pedestrian corridors, and serving to screen parking and service areas from the street and adjacent uses. Landscaping that is adjacent to streets and sidewalks shall include shade trees and shrubs that frame these corridors. Except as specifically provided in this ordinance, all new development within the PD will, at a minimum, meet the City's landscaping regulations in effect at the time of development plan approval.

1. When a parking area for motor vehicles is adjacent to a street, it shall be buffered with a screening wall 3-4 feet in height in order to enclose the portion of the parking exposed. Alternatively, landscaping 3-4 feet high within twelve months of planting may be used if it adequately defines the street corridor and screens the parking area with at least 75% opacity. However, such walls and landscaping must be broken up at intervals no greater than 50 feet to allow pedestrian access

1
2 2. All parking lots shall contain landscaped islands at least ten feet in width occurring no
3 more than 180 feet apart. The placement of landscaped areas throughout the interior of the
4 paved area shall average one landscaped island for each seven parking spaces. Each required
5 interior landscaped area shall be a minimum of 140 square feet in size with no dimension less
6 than nine feet and contain at least one shade tree. Such tree(s) shall be located within the
7 landscaped area to maximize the shading of the pavement.
8

9 3. High quality shade street trees from the Gainesville Approved Tree List shall be planted
10 as depicted in Exhibit "G" in accordance with the following spacing requirements:
11

- 12 a. Typical Sections "A," "B" and "C": a minimum of every 50 feet on average on
13 both sides of the street.
14
15 b. Typical Sections "D", "E", and "I": a minimum of every 35 feet on average on
16 both sides of the street.
17
18 d. Typical Sections "F", "G", and "H": a minimum of every 35 feet on average on
19 one side of the street.
20
21 e. Typical Sections "J" and "K": a minimum of every 35 feet on average on both
22 sides of the promenade.
23

24 In no case shall the distance between street trees exceed 80 feet or be less than 25 feet.
25 All street trees shall be 2 inch minimum caliper at the time of planting and shall be of
26 a variety which will grow to an average mature spread of 20 feet or greater, unless a
27 columnar variety is approved during development plan review. The street trees shall
28 be included in tree lawns (rather than tree gates) at least 8 feet in width on SW 62nd
29 Boulevard, SW 38th Terrace/SW 30th Avenue, and SW 42nd Street and along
30 Windmeadows Boulevard and SW 37th Boulevard where these streets are adjacent to
31 new development. Where on-street parking is provided, trees may be located within 8
32 foot-wide bulb-outs that are separated by parking spaces, as long as the required total
33 number of street trees is still included along the street length. The required high-
34 quality shade trees may be provided within tree grates on all other streets and drives
35 within the development. Tree grates should be a minimum of 18 square feet in area,
36 and trees shall be planted no closer to the streets than allowed by the Local
37 Governments Manual of Uniform Minimum Standards for Design, Construction and
38 Maintenance for Streets and Highways. Where required street trees are located
39 adjacent to buildings, arcades, or other structures, they should be provided sufficient
40 space to allow for the canopy of the shade tree to reach at least half of the dimension
41 of the mature urban height as indicated on the Gainesville Approved Tree List. All

street trees shall be required to provide 140 square feet of root room to a minimum depth of 3 feet, filled with rootzone media characterized by soil texture and structure appropriate for tree root growth.

4. Where the required 8 foot-wide planting strips will not be provided between head-to-head parking rows, an alternative proposal to provide the combined planting areas must be proposed during development plan review. The alternate landscaped area must be located within or adjacent to the vehicular use area, and an equivalent planting area and number of shade trees must be proposed. In no case shall there be more than two consecutive sets of head-to-head parking rows without a planting strip. Approval shall be subject to the determination of the reviewing entity that the modified proposal will provide a level of shading within the paved parking areas that is at least equivalent to what would be provided by the 8 foot-wide planting strips.
5. No parking lot lights or utility infrastructure (including transformer boxes and underground water or sewer pipes) shall be placed within required parking lot landscape islands, unless the size of such islands is expanded so that the following criteria are met: the required high quality shade tree has a minimum of 140 square feet area above and below ground (with no pavement, building footers, canopies, balconies, and overhead or underground utility lines located in this area); separation requirements are met for underground utilities; a minimum 10 foot separation is provided from parking lot lighting; and spatial separation requirements are met for fire hydrants.

Condition 9. Except as specifically provided in this ordinance, all signage shall, at a minimum, meet the City's sign regulations in effect at the time of development plan approval. All proposed signs shall be classified as a sign type identified in the City's sign regulations or this Ordinance and shall meet the maximum sign dimensions, area, and other design standards for that type of sign. Any application for proposed signs or modifications to signage located in ER-3 and/or applications modifying signage for tenants located in ER-3, specifically including the multi-tenant sign located at the intersection of Butler Boulevard (also known as SW 35th Boulevard) and Archer Road, shall include the signature or written consent of co-applicants Regency Windmeadows Limited Partnership and Butler Enterprises, or their legal successors.

1. Existing non-conforming signs within the ER District are allowed to replace the face of signs without reducing the sign dimensions or reconstructing the entire sign.
2. Signage within the PD shall be regulated based upon the Areas identified on the PD Layout Map attached as Exhibit "F." The size and number of signs shall be based upon the public and private street frontage within these areas. Areas FC-1 thru FC-10 shall be considered outparcels for purposes of sign regulations. The locations on the

1 PD Layout Map attached as Exhibit "F" that are designated for common stormwater
2 facilities (SW1 thru SW9) shall not be permitted any signage other than free-standing
3 pedestrian directories, except that SW1 may contain one of the Landmark
4 Identification Features specified in 5 below.

- 5
- 6 3. A total maximum area of 173 square feet of free-standing signage shall be allowed
7 along any street frontage within each area identified within the PD Layout Map
8 attached as Exhibit "F." No individual free-standing sign shall exceed 96 square feet
9 in area. No freestanding signs (other than pedestrian directories and vehicular
10 directional signs) shall be permitted along the main street within the TC District.
11
- 12 4. Signs may only advertise commercial businesses located within the Area where the
13 sign is located. However, any businesses located within Subarea 2 or Subarea 3 may
14 be advertised on the primary monument signs located at the street entrances along the
15 exterior of these subareas.
16
- 17 5. The following signs, unique to this PD, do not require a sign permit and shall not be
18 counted against the maximum signage otherwise allowed for the PD pursuant to this
19 Ordinance or the Land Development Code.
20
- 21 a. A total of three Landmark Identification Features are allowed within the PD –
22 one within Subarea 2 or Subarea 3 and two within Subarea 1. These features
23 shall be limited to a maximum height of 24 feet and shall only display the
24 name of the overall PD development (for example, Butler Plaza Planned
25 Development) or the name of the District within the PD development (for
26 example, Butler Plaza Town Center). Each Landmark Identification Feature
27 may have a maximum of four sides, with a sign area on each side, and each
28 sign area shall be limited to a maximum of 20 square feet. The Landmark
29 Identification Features shall be located a minimum of 50 feet away from any
30 other free-standing sign. Any Landmark Identification Feature along Archer
31 Road shall require the removal of existing identification signage at that
32 location, and the final design and placement of these Landmark Identification
33 Features shall be subject to review and approval by the City during
34 development plan review.
35
- 36 b. Pedestrian directories are allowed within the PD. The number and location of
37 such pedestrian directories shall be subject to review and approval by the City
38 during development plan review. A pedestrian directory is defined as a
39 freestanding or wall-mounted sign that displays only a map with a directory of
40 stores or offices located within the PD development, or within a portion of the
41 PD development, to orient and guide pedestrians. A pedestrian directory is

1 limited to a maximum of 32 square feet of sign area and a maximum height of
2 six feet.

3
4 6. Architectural allowances are allowed for primary and secondary monument signs
5 within the PD. The architectural allowances of 18 inches on the top of the sign and
6 12 inches on each side of the sign shall not count toward the maximum allowed sign
7 area, and may exceed the maximum height by 18 inches. The architectural allowance
8 shall not include any portion of text, logo, or other advertising material. The ground
9 area between three and five feet away from the support base for monument signs shall
10 be planted with appropriate landscaping materials with the intent of creating an
11 aesthetically pleasing and visually compatible landscaped area around the sign. In
12 addition, primary monument signs are permitted a 20% size bonus in sign area to
13 encourage the use of monument signs instead of other forms of ground-mounted
14 signs.

15
16 7. As an alternative to the signage standards specified in the PD, the owners have the
17 option of submitting a Master Signage Plan as a PD ordinance amendment, subject to
18 review and approval by the City Commission. In the event the Master Signage Plan
19 proposes modifications to signs located in ER-3 or affects signage for tenants in ER-
20 3, the PD amendment application must be signed by each owner, as co-applicant.

21
22 Condition 10. All principal buildings and associated off-street parking areas shall be located
23 within the districts identified as TC, VR, DR, FC, OP and NE on the PD Layout Map
24 attached as Exhibit "F." Commercial development within each area shall be limited to the
25 maximum gross leasable square footages specified on the PD Layout Map. A land use
26 equivalency matrix that shows allowable use substitutions based on trip generation rates
27 using ITE Trip Generation 8th Edition is contained in the PD Report attached as Exhibit "D."

28
29 Condition 11. The development of streets shall be consistent with the location, street types
30 and cross-sections as depicted on the PD Layout Map attached as Exhibit "F" and the Typical
31 Sections attached as Exhibit "G. Minor adjustments to the location of streets may be
32 approved through the development review process, where it is demonstrated that these
33 adjustments will not affect the overall layout and function of the approved street grid system.
34 The PD Layout Map depicts and describes the street grid system and maximum block
35 perimeter requirements for each Subarea within the PD. For purposes of the PD, "block"
36 means a lot or lots surrounded by public streets, private streets, private access streets or other
37 physical barriers such as pedestrian promenades, stormwater detention/retention areas, or
38 adjacent (non-PD) property.

39
40 Condition 12. With each development plan within the PD, pedestrian and bicycle facilities
41 shall be provided in the general locations shown on the Bicycle Circulation and Pedestrian

1 Circulation maps attached as Exhibit "H." Sidewalk connections shall be provided from the
2 pedestrian and bicycle facilities to adjacent developments.

3
4 Condition 13. There shall be no direct access to SW 62nd Boulevard for outparcels. All
5 access to outparcels on SW 62nd Boulevard shall be from an internal road network.

6
7 Condition 14. One or more usable parks, squares, or plazas totaling at least 2 acres (with
8 none less than 10,000 square feet) shall be provided within the PD. These parks, squares or
9 plazas shall be owned and maintained by the owner/developer or successor in interest.

10
11 Condition 15. As depicted on the PD Layout Map attached as Exhibit "F", a pedestrian
12 promenade shall be constructed in accordance with Typical Sections "J" and "K" in order to
13 connect Area DR2.1 to Area DR1.2, through the VR district. Safe mid-block pedestrian
14 crossings shall be provided across the intervening streets, directly at the points where the
15 pedestrian promenade intersects with these streets.

16
17 Condition 16. Prior to second reading of this Ordinance, the owner/developer shall sign a
18 TCEA Zone M Agreement and meet required standards, at a minimum, for transportation
19 mitigation and transit proportionate fair share for Phase 1A of the PD. Phase 1A is defined,
20 for the purposes of transportation mitigation, as the average daily trip generation associated
21 with 134,784 square feet of development within the PD. As additional development phases
22 occur, the developer shall be required to sign appropriate TCEA Zone M agreements or other
23 transportation mitigation program then in effect. Transit proportionate share shall be paid on
24 a pro-rata basis, as set forth in the TCEA Zone M agreements or other transportation
25 mitigation program then in effect, prior to the issuance of final development orders associated
26 with any phases that exceed the trip generation associated with Phase 1A.

27
28 Condition 17. At the time of each development plan review within the PD, the
29 owner/developer shall file an application for a Certificate of Final Concurrency with the City.

30
31 Condition 18. All private streets that are labeled as Typical Section "A", "B", or "C" on the
32 PD Layout Map attached as Exhibit "F" shall be constructed and maintained to City public
33 right-of-way standards.

34
35 Condition 19. Inverted crowns shall only be allowed on private access streets. The location
36 and cross-sections of private access streets are depicted in the PD Layout Map attached as
37 Exhibit "F" and the Typical Sections attached as Exhibit "G. For purposes of the PD,
38 "private access street" means a privately owned access way for pedestrians, bicycles and
39 vehicles. These streets shall allow for efficient access to vehicular parking aisles on one side
40 of the street; on the other side of the street, there shall be a continuous sidewalk that is
41 separated from the street by a landscaped tree lawn. The continuous sidewalk and landscaped

1 tree lawn may be interrupted with vehicular drive entrances not less than 200 feet apart,
2 measured to the centerline of each drive entrance. At areas where buildings front private
3 access streets, the tree lawn may be interrupted. The turning radius for curbs on private
4 access streets shall not exceed 25 feet.

5
6 Condition 20. All streets will be named in accordance with Chapter 23 of the City's Code of
7 Ordinances.

8
9 Condition 21. The owner/developer shall provide a historic marker describing the history of
10 the Stengal Airfield, to be constructed through the Florida Historical Marker Program, in
11 cooperation with the Alachua County Historical Commission.

12
13 Condition 22. Prior to second reading of this ordinance, the owners, as co-applicants, shall
14 sign an agreement to allow for City traffic enforcement on certain private streets within the
15 PD.

16
17 Condition 23. District ER-3 is wholly owned by co-applicant, Regency Windmeadows
18 Limited Partnership. All other property within the PD is owned or controlled by Co-
19 Applicant, Butler Enterprises. Applications for modifications to Windmeadows Boulevard or
20 Butler Boulevard (also known as SW 35th Boulevard) that require development plan review
21 or City Commission review and that may materially affect ingress and egress to or through
22 ER-3 shall require the signature or written consent of both co-applicants.

23
24 **Section 5.** All dates referenced in this condition shall be calculated from the date
25 of final adoption of this Ordinance. This PD shall be valid for a period of 20 years;
26 provided the development meets the minimum development thresholds set forth herein
27 and further provided that within any period of 3 years, at least one building permit for
28 construction of a new building must be obtained and that construction must be completed
29 (as evidenced by issuance of a certificate of occupancy or a certificate of completion).
30 Failure to meet such requirements shall render the development order approved by this
31 PD Ordinance expired and null and void. The owner/developer may request an extension
32 of any time period from the City Commission. Such request shall be applied for and

1 processed as a PD Ordinance Amendment. The owner/developer shall provide evidence
2 of good cause or necessity to support the requested extension. The City Commission shall
3 be the sole arbiter of good cause or necessity and its decision shall be final. If any time
4 period expires with no extension being requested or granted, then the development order
5 is void and the City may designate other appropriate zoning consistent with the
6 Comprehensive Plan.

7 **Section 6.** If it is determined by the City Manager that a violation of this Ordinance exists,
8 the City Manager may issue and deliver an order to cease and desist from such violation to correct a
9 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The
10 City Manager, through the City Attorney, may seek an injunction in a court of competent
11 jurisdiction and seek any other remedy available at law.


12 **Section 7.** Any person who violates any of the provisions of this ordinance shall be deemed
13 guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as provided
14 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
15 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
16 offense.

17 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance
18 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
19 finding shall not affect the other provisions or applications of the ordinance which can be given
20 effect without the invalid or unconstitutional provisions or application, and to this end the
21 provisions of this ordinance are declared severable.

Section 9. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 10. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 5th day of January, 2012.


Craig Lowe
Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Kurt Lannon
Clerk of the Commission

Marion J. Radson
City Attorney

JAN - 5 2012

This ordinance passed on first reading this 15th day of December, 2011.

This ordinance passed on second reading this 5th day of January, 2012.