

## 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 24<sup>th</sup> Avenue, and between Southwest 40<sup>th</sup> Boulevard and Southwest 34<sup>th</sup> 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,

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

28           **WHEREAS**, notice was given and publication made as required by law and public  
29 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,

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

3

4 2. The cost that the owner/developer shall be required to expend for the design,  
5 development approvals and construction (excluding land costs) of the transfer  
6 station (excluding the 50-space park-and-ride lot) shall not exceed \$1 million.  
7 The station shall include separate public and RTS staff restroom facilities, bicycle  
8 racks and storage, route map/information kiosks, minimum number of bays  
9 necessary to accommodate 6 buses and amenities for rider convenience including  
10 shelter, landscaping, lighting, seating and trash receptacles.

11

12 c. Prior to the first certificate of occupancy being issued in the Town Center (TC), Village  
13 Retail (VR), Destination Retail (DR), Office Park (OP) or Frontage Commercial (FC)  
14 Districts, all as identified in Exhibit "F", construct and upon inspection and acceptance  
15 by the City, convey (if a public right-of-way) to the City, at no cost to the City, the  
16 following:

17

18 1. SW 62nd Boulevard from Archer Road to SW 24th Avenue, including all of the  
19 required intersection modifications at Archer Rd, Windmeadows Blvd/SW 33rd Pl,  
20 SW 42nd St and SW 24<sup>th</sup> Ave. If the owner/developer elects to defer construction of  
21 the dedicated transit lanes within the SW 62nd Boulevard median from SW 24th  
22 Avenue to Windmeadows Boulevard, the owner/developer shall provide the City with  
23 security in one of the forms specified in Sec. 30-186 of the City's Land Development  
24 Code (as that section may be amended or renumbered from time to time) and such  
25 security shall be equal to 120 percent of the estimated cost of construction for the  
26 dedicated transit lanes. Such security is required to ensure construction shall occur no  
27 later than the construction of dedicated transit lanes on SW 62nd Boulevard between  
28 SW 24th Avenue and SW 20th Avenue.

29

30 2. SW 42nd Street from SW 38th Terrace to SW 62nd Boulevard shall be reconstructed  
31 in accordance with Typical Section "B".

32

33 3. A section of the Archer Braid Trail, a 12 foot-wide multi-use path, from SW 40th  
34 Boulevard to SW 62nd Boulevard as shown on Exhibit "H". In this section, the  
35 Archer Braid Trail shall be constructed in lieu of a sidewalk on one side of the street.  
36 The exact route and design of path shall be determined during development plan  
37 review.

38

39 4. SW 30th Avenue from SW 40th Blvd to SW 42nd Street in accordance with Typical  
40 Section "B."

41

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      d. Within one year of the first building permit being issued in the TC, VR, DR, OP, or FC  
12      districts, construct the below listed improvements within Subarea 1 (as identified in  
13      Exhibit "F.") No further building permits shall be issued in any Subarea of the PD until  
14      the improvements are completed.

15      1. Where FDOT has eliminated median openings in Archer Road the obsolete turn  
16      lane entrances in the PD will be renovated to replace some asphalt with pedestrian  
17      features and landscaped open space.

18      2. Proposed sidewalks as shown on the Pedestrian Circulation Map attached as  
19      Exhibit "H."

20      3. Native drought-tolerant shrubs planted in grassed islands only within areas ER4,  
21      ER5 and ER6 as identified in the PD Layout Map attached as Exhibit "F."

22      e. Prior to any certificate of occupancy being issued within the OP or TC districts, construct  
23      and upon inspection and acceptance by the City, convey (if a public right-of-way) to the  
24      City, at no cost to the City, the following:

25      1. SW 38th Terrace between SW 62nd Boulevard and SW 24th Avenue in accordance  
26      with Typical Section "A". The full extent of SW 38th Terrace within the PD shall be  
27      dedicated, at no cost to the City, as a public street following inspection and  
28      acceptance by the City. SW 38<sup>th</sup> Terrace shall include additional measures for the  
29      protection of bicyclists (such as, but not limited to, signage and pavement markings)  
30      crossing the intersection at SW 62nd Boulevard and SW 38th Terrace.

31      2. Signalization and westbound left turn lane modifications at the intersection of SW  
32      38th Terrace and SW 20th Avenue in accordance with the City's Traffic Management  
33      System (TMS) standards and the Highway Capacity Manual.

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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       4. SW 42nd Street between SW 62nd Boulevard and SW 24th Avenue in accordance  
6       with Typical Section "B". The full extent of SW 42<sup>nd</sup> Street within the PD shall be  
7       dedicated, at no cost to the City, as a public street following construction and  
8       acceptance by the City.

9       5. Operational and safety modifications to the intersections of SW 34th Street and  
10      Windmeadows Boulevard, SW 34th Street and SW 24th Avenue, SW 34th Street and  
11      SW 20th Avenue, Archer Road and SW 40th Boulevard, and SW 40th Boulevard and  
12      SW 42<sup>nd</sup> Street. The specific modifications shall be identified in a traffic study (that  
13      accounts for the then current total cumulative impacts of development that has been  
14      constructed within the PD after the effective date of this Ordinance) submitted by the  
15      applicant concurrent with the first development plan review in the OP or TC district,  
16      and subject to review and approval by FDOT and the City.

17       6. If all of the specific improvements numbered 1- 5 above are under construction and  
18      all are within three months of being completed, as determined by the City Public  
19      Works Department, a certificate of occupancy may be issued for any development  
20      provided the owner/developer provides the City with security in one of the forms  
21      specified in Sec. 30-186 of the City's Land Development Code (as that section may  
22      be amended or renumbered from time to time) and such security is equal to 120  
23      percent of the estimated costs of the remaining construction, and further provided the  
24      necessary traffic control signage is installed if the roadway is sufficiently complete to  
25      be open to traffic.

26       f. Prior to any certificate of occupancy being issued within the VR district, construct and  
27      upon inspection and acceptance by the City, convey to the City, at no cost to the City, the  
28      following:

29       1. SW 38th Terrace between SW 42nd Street and SW 62nd Boulevard in accordance  
30      with Typical Section "A". If SW 38<sup>th</sup> Terrace is under construction and is within  
31      three months of being completed, as determined by the City Public Works  
32      Department, a certificate of occupancy may be issued for any development provided  
33      the owner/developer provides the City with security in one of the forms specified in  
34      Sec. 30-186 of the City's Land Development Code (as that section may be amended  
35      or renumbered from time to time) and such security is equal to 120 percent of the  
36      estimated costs of the remaining construction, and further provided the necessary  
37      signage is installed if the roadway is sufficiently complete to be open to traffic.

38       2. SW 42nd Street between SW 38th Terrace and SW 24th Avenue in accordance  
39      with Typical Section "B". If SW 42nd Street is under construction and is within  
40      three months of being completed, as determined by the City Public Works  
41      Department, a certificate of occupancy may be issued for any development provided  
      the owner/developer provides 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 is equal to 120 percent of the  
      estimated costs of the remaining construction, and further provided the necessary  
      signage is installed if the roadway is sufficiently complete to be open to traffic.

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

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

4

5 m. During the period between the start of roadway construction on the public roads and final  
6 acceptance of the public roadways by the City, including the conveyance of the associated  
7 rights-of-way, the owner shall be responsible for the maintenance and safe operation of  
8 the roadway facilities and directly associated lands. In order for the City to give final  
9 acceptance of the constructed roadway facilities and acceptance of the associated right-of-  
10 way, the owner shall provide to the City a maintenance surety consistent with Sec. 30-  
11 186(f) of the Land Development Code (as that Section may be amended or renumbered  
12 from time to time.)

13

14 Condition 2. For the purpose of implementing redevelopment, Subarea 1 is divided into  
15 seven areas (ER1 – ER7) as shown on the PD Layout Map attached as Exhibit “F.” When  
16 51 percent or more of the existing building area within an area is removed or reconstructed,  
17 or more than a 25 percent increase in the building area within an area is added with new  
18 development, an amendment to this PD ordinance for the entire area must be proposed by the  
19 owner/developer, subject to approval by the City Commission. No new certificates of  
20 occupancy can be issued within the area until the entire area is reconstructed consistent with  
21 the requirements of such an approved PD ordinance amendment. The PD ordinance  
22 amendment shall include, at a minimum, a new street grid system that reflects a maximum  
23 block perimeter of 2000 feet, street sections assigned to each street, the location of major  
24 bicycle and pedestrian facilities, minimum requirements for building orientation and  
25 articulation, and zoning standards including build-to lines. The percentages of building  
26 removal or reconstruction and of new construction shall be evaluated cumulatively as  
27 development occurs over time within an area, starting from the effective date of this PD  
28 ordinance. The requirements of this condition shall not be applied to regular maintenance  
29 activities, tenant turnover, cosmetic changes to buildings, interior tenant improvements or  
30 replacements due to casualty, regardless of size.

31

32 Condition 3. The permitted uses within each district are specified in Exhibit “C-1.” No more  
33 than eight large scale retail uses (single retail uses with ground floor footprints exceeding  
34 100,000 square feet) shall be allowed within the PD. Outside storage and display areas may  
35 be permitted as an accessory use within the PD. These areas must be specifically requested  
36 and designated on development plans, and shall be limited to no more than 25% of the floor  
37 area of the primary use. Outside storage and display areas located within 50 feet of a public  
38 right-of-way or residential use shall be screened from the public right-of-way or residential  
39 use by a masonry wall, wooden fence, or hedge.

40

41 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.

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

11  
12 During development plan review, each new development (excluding public right-of-way and  
13 private streets), shall demonstrate the use of at least one of the below listed Low Impact  
14 Design (LID) stormwater techniques. From the time LID system components are installed,  
15 the property owner shall thereafter maintain the LID system components in good and working  
16 order.

17  
18 1. The development is designed so that at least 25% of the runoff from the parking area  
19 is pre-treated before discharge to a stormwater basin or otherwise utilized through one  
20 or more of the following LID system components:

21  
22 a. Vegetated filter strips;  
23 b. Open conveyance swales, biofiltration swales, or perforated conveyance  
24 systems;  
25 c. Rain barrels or tree box filters;  
26 d. Stormwater cisterns to collect stormwater runoff for reuse; or  
27 e. Permeable pavement  
28  
29 2. Buildings within the development are designed with green roofs.  
30  
31 3. Irrigation within the development is provided from reuse stormwater from the master  
32 stormwater basin, rain barrels, or cisterns.

33  
34 Within all development in the PD, impervious areas shall be reduced by utilizing the  
35 minimum sizes for parking spaces and drive aisles where possible.

36  
37 Condition 7. Tree preservation should be an integral part of the PD. Except as  
38 specifically provided in this ordinance, all new development within the PD will, at a  
39 minimum, meet the City's tree preservation regulations in effect at the time of development  
40 plan approval.

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

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

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

1  
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 c. Typical Sections "F", "G", and "H": a minimum of every 35 feet on average on  
19 one side of the street.  
20  
21 d. 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

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

4

5 4. Where the required 8 foot-wide planting strips will not be provided between head-to-head  
6 parking rows, an alternative proposal to provide the combined planting areas must be  
7 proposed during development plan review. The alternate landscaped area must be located  
8 within or adjacent to the vehicular use area, and an equivalent planting area and number  
9 of shade trees must be proposed. In no case shall there be more than two consecutive sets  
10 of head-to-head parking rows without a planting strip. Approval shall be subject to the  
11 determination of the reviewing entity that the modified proposal will provide a level of  
12 shading within the paved parking areas that is at least equivalent to what would be  
13 provided by the 8 foot-wide planting strips.

14

15 5. No parking lot lights or utility infrastructure (including transformer boxes and  
16 underground water or sewer pipes) shall be placed within required parking lot landscape  
17 islands, unless the size of such islands is expanded so that the following criteria are met:  
18 the required high quality shade tree has a minimum of 140 square feet area above and  
19 below ground (with no pavement, building footers, canopies, balconies, and overhead or  
20 underground utility lines located in this area); separation requirements are met for  
21 underground utilities; a minimum 10 foot separation is provided from parking lot  
22 lighting; and spatial separation requirements are met for fire hydrants.

23

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

34

35 1. Existing non-conforming signs within the ER District are allowed to replace the face  
36 of signs without reducing the sign dimensions or reconstructing the entire sign.

37

38 2. Signage within the PD shall be regulated based upon the Areas identified on the PD  
39 Layout Map attached as Exhibit "F." The size and number of signs shall be based  
40 upon the public and private street frontage within these areas. Areas FC-1 thru FC-10  
41 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

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

16

17 7. As an alternative to the signage standards specified in the PD, the owners have the  
18 option of submitting a Master Signage Plan as a PD ordinance amendment, subject to  
19 review and approval by the City Commission. In the event the Master Signage Plan  
20 proposes modifications to signs located in ER-3 or affects signage for tenants in ER-  
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 8<sup>th</sup> 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 62<sup>nd</sup> Boulevard for outparcels. All  
5 access to outparcels on SW 62<sup>nd</sup> 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.

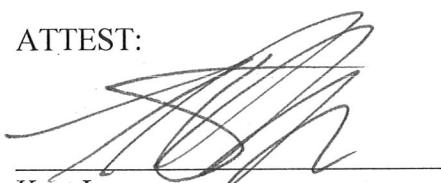
1                   **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of

2 such conflict hereby repealed.

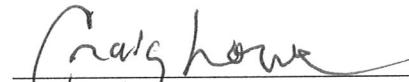
3                   **Section 10.** This ordinance shall become effective immediately upon final adoption.

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

5  
6  
7  
8  
9  
10                  ATTEST:



11  
12  
13  
14                  Kurt Lannon  
15                  Clerk of the Commission



5  
6  
7  
8  
9  
10                  Craig Lowe  
11                  Mayor

12                  APPROVED AS TO FORM AND LEGALITY:



13  
14                  Marion J. Radson  
15                  City Attorney

16                  JAN - 5 2012

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

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

19  
20  
21