

LEGISLATIVE #

130118A

ORDINANCE NO. 130118

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An ordinance of the City of Gainesville, Florida, updating and clarifying the regulations, including regulations pertaining to allowable drive-throughs, for the Magnolia Parke Planned Development that is generally located in the vicinity of the 4600-5000 block of NW 39th Avenue, as more specifically described in this ordinance; by amending the Zoning Map Atlas by rezoning the subject property to Planned Development District (PD); adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

13 **WHEREAS**, Planned Development District (PD) zoning is an entirely voluntary method
14 for landowners or developers to submit unique proposals that are not provided for or otherwise
15 allowed in the zoning districts established by the City of Gainesville Land Development Code;
16 and

17 **WHEREAS**, on October 13, 1997, the City Commission adopted Ordinance No. 960941,
18 which originally rezoned a majority of the property that is the subject of this ordinance to
19 Planned Development District (PD) (known as the “Magnolia Parke PD”) and included certain
20 PD maps and land development regulations; and

21 **WHEREAS**, on June 14, 1999, the City Commission adopted Ordinance No. 980987,
22 which amended Ordinance No. 960941 by adopting amended land development regulations; and

23 **WHEREAS**, on September 11, 2000, the City Commission adopted Ordinance No.
24 991285, which repealed Ordinance No. 980987 in its entirety, rezoned certain property to the
25 Magnolia Parke PD, and amended Ordinance No. 960941 by adopting amended PD maps and
26 land development regulations; and

1 **WHEREAS**, on March 10, 2008, the City Commission adopted Ordinance No. 070763,
2 which amended Ordinance No. 960941 as amended by Ordinance No. 991285 by adopting
3 amended land development regulations; and

4 **WHEREAS**, the Magnolia Park PD has received time extensions as a result of Chapter
5 2012-205 and Chapter 2013-213, Laws of Florida, and the PUD and PD remain valid and
6 unexpired; and

7 **WHEREAS**, Section 30-224(a) of the City of Gainesville Land Development Code
8 provides that, with certain exceptions, an amendment to a previously approved Planned
9 Development (PD) may only be accomplished by a rezoning ordinance accompanied by a new
10 proposed Planned Development (PD); and

11 **WHEREAS**, by initiation of a petition by the owners of the subject property, notice was
12 given as required by law that the subject property’s Planned Development District (PD) zoning
13 be amended; and

14 **WHEREAS**, notice was given as required by law and a public hearing was then held by
15 the City Plan Board on June 27, 2013, and by the City Commission on August 1, 2013; and

16 **WHEREAS**, at least ten (10) days’ notice has been given once by publication in a
17 newspaper of general circulation notifying the public of this proposed ordinance and of public
18 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
19 Gainesville; and

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

1 **WHEREAS**, the City Commission finds that the amendments to the Planned
2 Development District (PD) zoning for the property described herein is consistent with the City of
3 Gainesville Comprehensive Plan.

4
5 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
6 **CITY OF GAINESVILLE, FLORIDA:**

7 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning
8 the following described property to Planned Development District (PD):

9 See legal description attached as Exhibit “A” and made a part hereof as if set
10 forth in full. The location of the property is shown on Exhibit “B” for visual
11 reference. In the event of conflict or inconsistency, Exhibit “A” shall prevail over
12 Exhibit “B”.

13
14 **Section 2.** The use and development of the property described in Section 1 of this
15 ordinance shall be consistent with the City of Gainesville Comprehensive Plan and, if applicable,
16 with Planned Use District (PUD) Ordinance No. 960940 as amended by Ordinance No. 990953.

17 **Section 3.** The use and development of the property described in Section 1 of this
18 ordinance shall be regulated by the land development regulations set forth in Section 4 of this
19 ordinance and by the following exhibits that are attached to this ordinance and made a part
20 hereof as if set forth in full:

- 21 1. Exhibit “C” consisting of an existing conditions map dated February 2000 and a
22 PD Layout Plan dated 5/12/00.
- 23 2. Exhibit “D” consisting of the PD Report titled “Magnolia Park Planned
24 Development Standards and Conditions.”

25 In the event of conflict or inconsistency, the order of precedence shall be as follows, with

1 number 1 taking precedence over number 2 and so on: 1) the land development regulations set
2 forth in Section 4 of this ordinance; 2) Exhibit “C”; 3) Exhibit “D”; and 4) The City’s Land
3 Development Code.

4 **Section 4.** The use and development of the property described in Section 1 of this
5 ordinance shall be regulated by the following land development regulations:

- 6 1. When an application is made for development plan approval, the owner/developer shall
7 submit an Application for a Certificate of Final Concurrency. Any future development or
8 redevelopment shall be required to meet all relevant portions of the Transportation
9 Mobility Element of the City of Gainesville Comprehensive Plan, including required
10 transportation mobility criteria in effect at the time of application.
11
- 12 2. The maximum height of the self-storage buildings shall be one story, not to exceed 10
13 feet in height above finished floor elevation; roof pitch may exceed that height.
14
- 15 3. The self-storage buildings shall be designed in a “U” configuration, with storage doors
16 facing the interior courtyard, or with all storage doors facing internal hallways, or in
17 some other manner such that all storage doors face internally to the facilities. No
18 opening shall be visible off-site or from within the Magnolia Parke development.
19
- 20 4. If Pod G is developed with a self-service storage use, a 50 foot buffer shall exist along
21 the eastern boundary of the property where it abuts tax parcel number 6063-000-000
22 (Bellamy Forge Condominiums). The buffer shall remain in its natural state except: 1)
23 where it is necessary to provide a drainage swale based on existing conditions; or 2)
24 where landscape materials are required to meet adjacent use buffer requirements for an
25 industrial use, as required by the Land Development Code. If the property is developed
26 with a use other than self-service storage, the building shall be setback 50 feet and the
27 buffering requirements of the Land Development Code shall apply where the property
28 abuts tax parcel number 6063-000-000. The exterior wall of the storage facility shall not
29 exceed 10 feet in height above finished floor elevation and shall be designed with
30 architectural relief a maximum of every 50 feet. There shall be no entrance or exit or
31 other break in the outside wall along the east or north sides of the building.
32
- 33 5. The maximum hours of operation of the self-service storage use shall be from 6:30 a.m.
34 until 7 p.m., Monday through Friday; 7 a.m. until 7 p.m., Saturday; and 10 a.m. until 5
35 p.m., Sunday.
36
- 37 6. Security lighting of the storage facility shall be designed such that the cone of
38 illumination is limited to the self-service storage facility and shall not spill over onto the

1 adjacent development and other residential lands. Lighting shall be used and designed
2 such that it only reflects internally to the facility.

- 3
- 4 7. In order to encourage a pedestrian scale and avoid the storage of unsafe or visually
5 obtrusive goods, the maximum size of any one unit shall not exceed 400 square feet. The
6 following activities shall not be permitted within the self-service storage facility; storage
7 of hazardous materials as defined by the Alachua County Hazardous Materials Code, as
8 amended, habitation of units, music rehearsal studios, auctions, flea markets, other sales
9 activities, service, repair, fabrication, transfer/storage businesses, operation of power
10 tools, and any activities that generate odor, noise, fumes, vibration, or dust of a nuisance
11 level. Electrical receptacles shall not be provided within any storage units. All storage
12 shall be within completely enclosed buildings. Only dead storage shall be permitted
13 within the facility.
- 14
- 15 8. The self-service storage facility's perimeter wall shall be constructed of a split face block
16 exterior. The roof shall be pitched. The architectural style and color of the self-service
17 storage buildings shall be compatible with the remaining development.
- 18
- 19 9. The self-service storage facility shall be separated from NW 39th Avenue by development
20 within Pods A and B, as identified in the PD Layout Plan (Exhibit "C").
- 21
- 22 10. Highway style guardrail, chain-link fencing, and barbed wire or razor wire is prohibited.
- 23 11. A minimum of 80,000 square feet of gross floor area shown in Pods C, D, and E must be
24 developed as residential use.
- 25
- 26 12. The maximum square footage of any building in Pods A or B shall be 12,000 square feet
27 of gross floor area.
- 28
- 29 13. One drive-through facility with a maximum of three (3) drive-through lanes may be
30 permitted in either Pod A or Pod B, but not both, as identified on the PD Layout Plan and
31 only when accessory to a financial institution or an eating place. One drive-through
32 facility with a maximum of three (3) drive-through lanes may be permitted in either Pod
33 G or Pod I, but not both, as identified on the PD Layout Plan and only when accessory to
34 a financial institution or an eating place. Drive-throughs shall be developed in
35 conformance with the drive-through design and layout standards in the Comprehensive
36 Plan, Land Development Code, or other transportation mobility program then in effect at
37 the time of development plan review. Direct access to the drive-through is not permitted
38 from NW 39th Avenue. The facility shall be designed to gain access internally from the
39 Magnolia Parke development via a vehicular use area or an internal driveway. The
40 development plan shall direct drive-through traffic to areas of the development that will
41 have the least conflict with pedestrian and bicycle travel routes.
- 42
- 43 14. The development envelope setback from the westernmost entrance shall be a minimum of

1 15 feet and a maximum of 20 feet. A 5-foot buffer area shall be provided from the edge
2 of roadway pavement. In this buffer area, all existing regulated trees shall remain in their
3 natural state. The landscape area shall, at a minimum, meet the adjacent use buffer
4 requirements of the Land Development Code to provide screening from the automotive
5 use to the west. During development plan review, the appropriate reviewing board may
6 require additional vegetation to satisfy screening requirements of the adjacent use buffer.
7

- 8 15. The street buffer along NW 39th Avenue shall be a minimum of 10 feet. One street tree
9 shall be planted for every 50 feet of street frontage, which will vary appropriately with
10 the species of tree; said placement to be coordinated with the City Arborist or successor
11 in position. The street buffer along NW 39th Avenue shall otherwise meet the street
12 buffer requirements for a commercial use as provided in the Land Development Code.
13 The development shall meet the requirements of the Land Development Code for
14 adjacent use landscape buffer for a commercial development, except where otherwise
15 provided in the PD ordinance.
16
- 17 16. In addition to the facade extension standards included in the PD Report (Exhibit “D”),
18 buildings facing NW 39th Avenue, including walls, hedges, etc., shall have front facades
19 covering 60% of the NW 39th Avenue frontage. Parking lots in building gaps along the
20 NW 39th Avenue frontage shall be screened with plantings, fencing, hedging or walls
21 erected or maintained at least 3 feet in height.
22
- 23 17. All outdoor uses, including but not limited to, entertainment activities and other
24 promotional events that occur in Pod F shall comply with the City’s noise ordinance.
25 Flea markets are prohibited.
26
- 27 18. Sidewalk displays are prohibited in front of buildings along NW 39th Avenue.
28
- 29 19. Non-operable shutters and those not made of wood or metal are prohibited.
30
- 31 20. The specified maximum distance between entrances shall be reduced to 100 feet in the
32 locations as shown in Exhibit “C” as 120 feet. Outdoor storage shall be prohibited
33 throughout the development. Outdoor displays are permitted and shall comply with the
34 standards contained in the PD Report (Exhibit “D”).
35
- 36 21. Garbage collection, recycling and other utility areas shall be screened around their
37 perimeters, with enclosures of wood, brick or decorative masonry with a roof, or by brick
38 walls; with a minimum height of 7 feet, and shall extend on 3 sides of such an area,
39 where applicable, with a gate or door on the fourth side. Such a wall shall be capped on
40 3 sides, where applicable. A landscape planting strip a minimum of 3 feet in width shall
41 be located on exposed, non-gated sides of such a facility.
42
- 43 22. At the time of development plan review, a tree survey shall be provided. Regulated trees
44 shall be preserved in accordance with the Land Development Code and in coordination

1 with the City Arborist. The methodology in determining the tree shaded areas shall meet
2 the requirements of the City's Land Development Code.

- 3
- 4 23. Fences shall not be more than 4 feet high where they abut a public right-of-way. The use
5 of solid board fences shall not be permitted. Walls and fences shall comply with the
6 building standards contained in the PD Report (Exhibit "D"), which shall be
7 architecturally compatible with the style, materials and color of buildings within the
8 development.
- 9
- 10 24. Parking lot layout, landscaping, buffering and screening shall avoid spillover light onto
11 adjacent properties, particularly residential properties. Parking lots in Pods A, B and I
12 exposed to view from NW 39th Avenue shall be screened by a hedge or wall erected or
13 maintained at least 3 feet in height along all parking areas adjacent to NW 39th Avenue.
- 14
- 15 25. The total amount of non-residential use for the development shall not exceed 246,000
16 square feet of gross floor area, not including the square footage allocated to self-service
17 storage in Pod G. If Pod G is developed with a non-residential use other than self-service
18 storage, the total amount of non-residential use for the development shall not exceed
19 290,000 square feet of gross floor area. In addition, if Pod G is developed with a non-
20 residential use other than self-service storage, building or parking area may encroach into
21 the Pod C building and parking envelope, as identified on the PD Layout Plan. In such
22 event, the maximum square footage of development allowed in Pod C and G combined,
23 as identified in Table 1 of the PD Report, shall remain unaffected.
- 24
- 25 26. If Pod G is developed with a self-service storage use, the building shall not exceed
26 30,000 square feet in gross floor area. If Pod G is developed with a non-residential use,
27 the maximum gross floor area shall be 44,000 square feet.
- 28
- 29 27. Unless otherwise provided for in this ordinance, the subject property shall be regulated
30 by all provisions of the Land Development Code and must comply will all applicable
31 administrative regulations.
- 32
- 33 28. The removal, fill or disturbance of wetlands shall be in accordance with the requirements
34 of the St. John's River Water Management District and the City's Comprehensive Plan
35 and Land Development Code.
- 36
- 37 29. Sufficient area must be provided for the stormwater management basins. If it is
38 determined by the City's Public Works Director that additional area is needed, then
39 provision of additional off-site property by the owner/developer shall be required prior to
40 the issuance of any developmental orders. An amendment to the Magnolia Parke PD is
41 also required.
- 42
- 43 30. The stormwater management system shall be designated so that there is not an increase in
44 the pre-development rate and volume of run-off for the 25-year critical duration storm

1 event in the post-development conditions.
2

- 3 31. Any development or redevelopment that increases the net, new trip generation from the
4 most recently approved traffic impact study shall require a new traffic impact study
5 prepared, at the sole cost and expense of the owner/developer, by a professional engineer
6 registered in the State of Florida.
7
- 8 32. The extension of NW 51st Street that serves this planned development shall be designed,
9 and constructed at the sole cost and expense of the owner/developer in such a manner
10 that it accommodates the future connection of NW 42nd Lane within the adjacent
11 Huntington residential development.
12
- 13 33. The exact location, dimensions and movement of traffic circulation with the planned
14 development shall be determined during development plan review subject to approval by
15 the City Manager or designee or appropriate reviewing board.
16
- 17 34. Bus service shall be provided to the development subject to the City's Regional Transit
18 System locational standards.
19
- 20 35. Bicycle lanes shall be provided along the main driveway entrance to the first intersection.
21
- 22 36. The number of required parking spaces shall meet the requirements of the City's Land
23 Development Code. If shared parking is requested, a parking plan must be submitted by
24 the owner/developer at the time of development plan review to determine parking
25 requirements. The general parking envelope locations are shown on the PD Layout Plan
26 (Exhibit "C"). The exact parking configuration, consistent with the general parking
27 envelope, shall be subject to approval by the City Manager or designee or appropriate
28 reviewing board at development plan review.
29
- 30 37. Sidewalks serving this planned development shall be provided by the developer at his or
31 her own cost and expense, from the public sidewalks along NW 39th Avenue to all
32 buildings fronting NW 39th Avenue and from all vehicular entrances to the development.
33 Sidewalks shall be provided from all vehicular entrances from NW 51st Street.
34
- 35 38. Crosswalks shall be provided by the owner/developer where necessary and appropriate
36 and in the general location shown on the PD Layout Plan. The exact location of
37 crosswalks shall be determined by the City Manager or designee or appropriate reviewing
38 board during development plan review. Crosswalks shall be of a safe and efficient design
39 as determined by the City's Traffic Engineering Department, and shall be distinguished
40 by grade, texturing or paint, consistent with the standards contained in the development
41 plan report.
42
- 43 39. Sidewalks shall be provided in the general location as shown on the PD Layout Plan
44 (Exhibit "C"). The exact location of sidewalks shall be determined by the City Manager

1 or designee or appropriate reviewing board during development plan review. Sidewalks
2 within the development shall be a minimum of 7 feet in width of clear pedestrian access
3 parallel to building fronts and along parking lots connected by streetscape. Sidewalks
4 shall be a minimum of 5 feet in width of clear pedestrian access when connecting the
5 main sidewalk and the building entrance and at the rear of buildings.
6

7 40. Pod G, if developed with a self-service storage use, shall be issued a building certificate
8 of occupancy only after a certificate of occupancy has been issued for a minimum of: 1)
9 one building in Pod A; 2) two buildings in Pod B, and 3) 15,000 gross square feet of
10 gross floor area including residential development in Pod C. The development of Pod F
11 shall be completed no later than the completion of Pod C.
12

13 41. The development may be allowed three freestanding signs along the NW 39th Avenue
14 frontage. The maximum height may not exceed ten feet. Signage shall be allowed as
15 follows: one main entrance sign with a maximum of 72 square feet; one self-storage sign
16 with a maximum of 32 square feet, and one west entrance sign with a maximum of 16
17 square feet. Freestanding signs shall be separated by a minimum distance of 300 feet.
18 Freestanding signs shall not be internally illuminated. No additional freestanding signs
19 shall be allowed for individual buildings or pods.
20

21 42. Only one secondary freestanding sign shall be permitted along NW 51st Street. The
22 maximum height of the sign shall be 8 feet. The maximum size of the sign shall not
23 exceed 24 square feet. In lieu of said sign, a residential sign may be permitted. If the
24 residential sign is freestanding, the maximum size shall not exceed 24 square feet. If the
25 residential sign is wall-mounted, the maximum size shall not exceed 24 square feet on
26 one side of the wall. The signs shall not be internally illuminated.
27

28 43. The base of all freestanding signs shall be landscaped up to a minimum of 3 feet from the
29 supports of the sign. Landscape materials and vegetation shall be used to achieve a
30 terraced-like effect.
31

32 44. The leading edge of all freestanding signs shall maintain a setback of ten (10) feet from
33 the property line of the development.
34

35 45. Except as otherwise provided in this ordinance, signage within the development shall be
36 governed by the standards provided in the PD Report (Exhibit "D").
37

38 46. Amendments to the floodplain elevations must be in accordance with the City of
39 Gainesville Flood Control Ordinance and the Federal Emergency Management Agency
40 (FEMA) regulations.
41

42 47. The planned development shall maintain an architectural review board with at least one
43 licensed architect who serves as a voting member on the board.
44

- 1 48. All streets within the planned development shall be private streets and shall be identified
2 by street numbers with reference to NW 39th Avenue and NW 51st Street.
3
- 4 49. The developer shall construct a bus shelter architecturally consistent with the Magnolia
5 Parke development on the NW 39th Avenue development frontage, or an area on NW 39th
6 Avenue proximate to Magnolia Parke, which meets all RTS and handicap accessibility
7 requirements. The exact location of the shelter must be coordinated with RTS, Planning
8 and the Building Department. Elevations of the shelter must be submitted and approved
9 prior to final development plan approval of any building in Pod I. The bus shelter must
10 be built, inspected and approved prior to the issuance of any preliminary or final
11 Certificate of Occupancy for any buildings in Pod I.
12
- 13 50. The 15 foot landscape buffer along the north property line of Pod I shall, at a minimum,
14 be landscaped in accordance with Buffer C, Option Y of Section 30-253, Chart B of the
15 Land Development Code.
16
- 17 51. The development standards for Pod A, as provided in the PD Report (Exhibit “D”), shall
18 apply to Pod I, except as otherwise provided in the PD Report.
19
- 20 52. The uses permitted in Pod I shall be those listed in Table 4 of the PD Report (Exhibit
21 “D”). No accessory gasoline service stations or filling pumps shall be permitted in Pod I.
22
- 23 53. The development of Pod I shall maximize pedestrian access to open space and recreation
24 areas within the Magnolia Parke PD. A pedestrian access shall be provided on the
25 northern portion of Pod I when the second building is constructed, to provide a
26 connection through Pod G to the planned walking trail surrounding the preserved wetland
27 north of the Magnolia Parke PD.
28
- 29 54. The Wetlands Mitigation Plan for the development of Pod I is adopted and included
30 within the PD Report (Exhibit “D”). All created wetlands, as provided in the mitigation
31 plan, shall be created and landscaped prior to the issuance of a certificate of occupancy
32 for Pod I.
33
- 34 55. The created wetlands that are approved as part of the Wetlands Mitigation Plan for Pod I
35 shall be landscaped in accordance with the plan. The created wetland on Pod I, as
36 identified on the PD Layout Plan (Exhibit “C”), shall include 15 gallon trees planted
37 every 35 feet surrounding the perimeter of the created wetland.
38
- 39 56. Vehicular access to Pod I shall be gained internally from the Magnolia Parke
40 development. A vehicular access or curb cut from NW 39th Avenue shall be prohibited.
41
- 42 57. Permitted uses for Pod G shall include self-service storage and those uses listed in Table
43 4 of the PD Report (Exhibit “D”).
44

1 58. The development standards for Pod C, as provided in the PD Report (Exhibit “D”), shall
2 apply to Pod G if developed as a use other than self-service storage, unless otherwise
3 provided for in this ordinance and the PD Report.
4

5 59. Except as expressly provided herein, the use, regulation and development of the property
6 in Pods A, B, C, D, E, F, G, and I shall be governed as if this land were zoned mixed use
7 low intensity district (MU-1), and in Pod H the property shall be governed as if this land
8 were zoned conservation district (CON).
9

10 **Section 5.** The development terms and conditions in this ordinance shall remain
11 effective until such time as, upon either the City or the property owner filing a rezoning petition,
12 the City adopts an ordinance rezoning the property described in Section 1 of this ordinance to
13 another zoning district consistent with the Comprehensive Plan and Land Development Code.

14 **Section 6.** Any person who violates any provision of this ordinance shall be deemed guilty
15 of a municipal ordinance violation and shall be subject to fine or imprisonment as provided by
16 Section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
17 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
18 offense.

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

24 **Section 8.** The City Manager or designee is authorized and directed to make the necessary
25 changes to the Zoning Map Atlas to comply with this ordinance.

26 **Section 9.** If any word, phrase, clause, paragraph, section or provision of this ordinance
27 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of this ordinance that can be given
2 effect without the invalid or unconstitutional provision or application, and to this end the
3 provisions of this ordinance are declared severable.

4 **Section 10.** Ordinance No. 960941, Ordinance No. 991285, and Ordinance No. 070763
5 are hereby superseded in their entirety and are hereby repealed effective on the effective date of
6 this ordinance. Ordinance No. 980987 was repealed in its entirety by Ordinance No. 991285 and
7 remains repealed. All other ordinances or parts of ordinances in conflict herewith are to the
8 extent of such conflict hereby repealed.

9 **Section 11.** This ordinance shall become effective immediately upon final adoption.

10

11 **PASSED AND ADOPTED** this ____ day of _____, 2014.

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Attest:

EDWARD B. BRADDY
MAYOR

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2014.

This ordinance passed on second reading this ____ day of _____, 2014.

Legal Description

A PARCEL OF LAND SITUATED IN SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, GAINESVILLE, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, AND RUN N00°25'25" W, ALONG THE WEST LINE OF THE SE ¼ OF SAID SECTION 22, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.W. 39TH AVENUE (100' R/W); THENCE RUN N89°34'07"E, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 207.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N00°25'25"W, PARALLEL WITH SAID WEST LINE, A DISTANCE OF 207.00 FEET; THENCE RUN S89°34'07"W, A DISTANCE OF 207.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF N.W. 51ST AVENUE (80' R/W); THENCE RUN N00°25'25"W, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 18.08 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, SAID CURVE HAVING A RADIUS OF 501.81 FEET AND A CENTRAL ANGLE OF 18°44'21"; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 164.12 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N08°56'46"E, 163.39 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY, SAID CURVE HAVING A RADIUS OF 630.00 FEET AND A CENTRAL ANGLE OF 18°44'20"; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 206.04 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N08°56'46"E, 205.13 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N00°25'25"W, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 406.75 FEET; THENCE RUN N89°34'18"E, A DISTANCE OF 538.05 FEET; THENCE RUN S24°02'09"W, A DISTANCE OF 23.23 FEET; THENCE RUN S35°09'16"W, A DISTANCE OF 40.20 FEET; THENCE RUN S66°51'24"W, A DISTANCE OF 49.21 FEET; THENCE RUN S22°29'48"W, A DISTANCE OF 75.51 FEET; THENCE RUN S14°05'47"E, A DISTANCE OF 26.34 FEET; THENCE RUN S59°51'36"E, A DISTANCE OF 290.25 FEET; THENCE RUN N60°29'08"E, A DISTANCE OF 178.27 FEET; THENCE RUN N61°16'07"E A DISTANCE OF 28.54 FEET; THENCE RUN S63°10'07"E A DISTANCE OF 104.09 FEET; THENCE RUN N34°01'18"E A DISTANCE OF 150.90 FEET; THENCE RUN N17°39'05"E A DISTANCE OF 53.59 FEET; THENCE RUN N05°17'20"W A DISTANCE OF 123.63 FEET; THENCE RUN N32°27'23"W A DISTANCE OF 45.21 FEET; THENCE RUN N39°32'05"W A DISTANCE OF 36.54 FEET, THENCE RUN N89°34'07" E, A DISTANCE OF 273.20 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 22; THENCE RUN S00°25'59"E, ALONG SAID EAST LINE, A DISTANCE

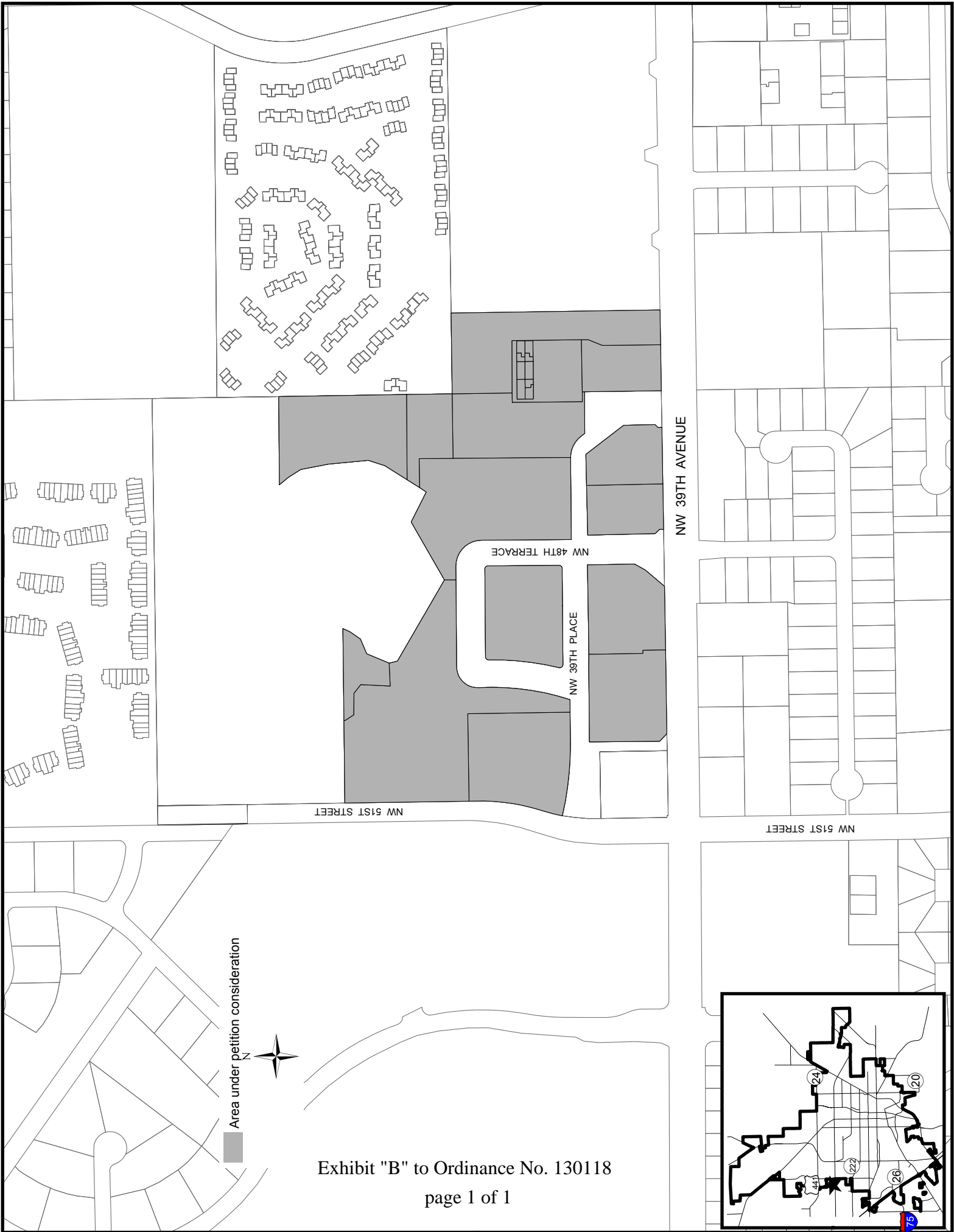
OF 1183.38 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID N.W. 39TH AVENUE; THENCE RUN S89°34'07"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1114.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 26.092 ACRES, MORE OR LESS.

AND

A PART OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

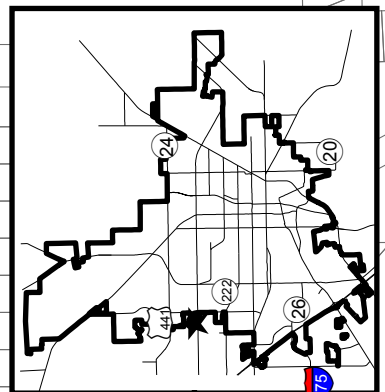
COMMENCE AT THE SOUTHEAST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) AND RUN THENCE NORTH 89 DEGREES, 49 MINUTES, 38 SECONDS WEST, ALONG THE SOUTH BOUNDARY THEREOF, 1322.34 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF (E 1/2) OF SOUTHEAST QUARTER (SE 1/4), THENCE NORTH 0 DEGREES, 06 MINUTES, 22 SECONDS EAST, ALONG THE WEST BOUNDARY OF SAID EAST HALF (E 1/2) OF SOUTHEAST QUARTER (SE 1/4), 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 39TH AVENUE AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 0 DEGREES, 06 MINUTES, 22 SECONDS EAST, ALONG SAID WEST BOUNDARY, 645.86 FEET THENCE SOUTH 89 DEGREES, 49 MINUTES, 38 SECONDS EAST, 250.00 FEET, THENCE SOUTH 0 DEGREES, 06 MINUTES, 22 SECONDS WEST, PARALLEL TO SAID WEST BOUNDARY, 645.86 FEET TO SAID NORTH RIGHT-OF-WAY LINE, THENCE NORTH 89 DEGREES, 49 MINUTES, 38 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE 250.00 FEET TO THE POINT OF BEGINNING.

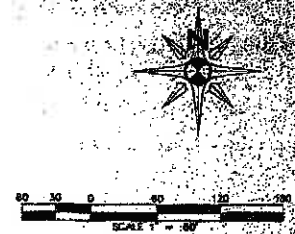
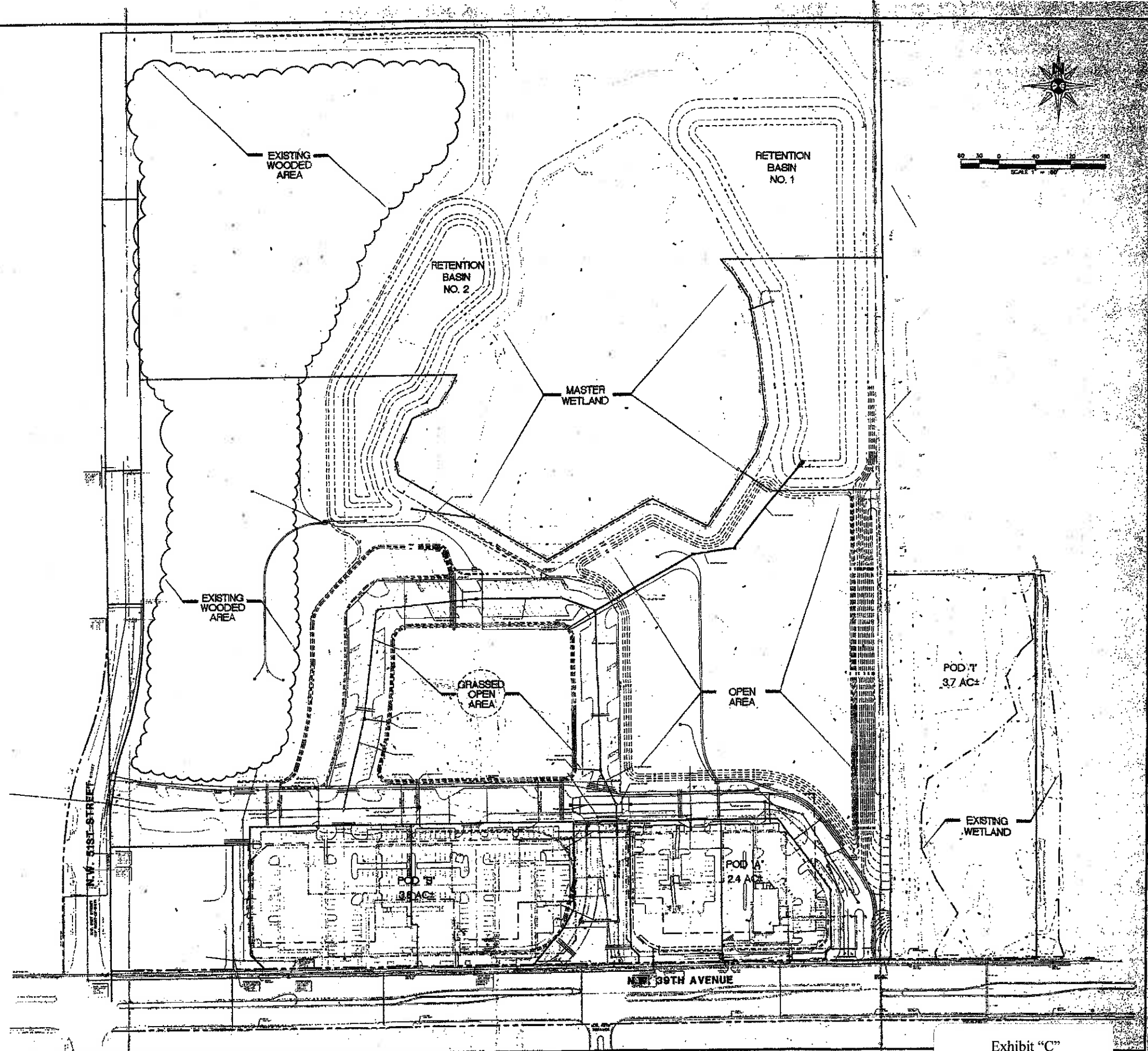


Area under petition consideration



Exhibit "B" to Ordinance No. 130118
page 1 of 1





CUD ENGINEERING & ARCHITECTURE
 LAND PLANNERS
 BROWN & CALDWELL
 CONSULTING ENGINEERS
 EXISTING CONDITIONS MAP

MAGNOVA PARK P.D.
 DEVELOPMENT

**MAGNOLIA PARKE
PLANNED DEVELOPMENT
STANDARDS AND CONDITIONS**

August, 2013

Table 1: Development Intensities/Densities

Pod	Max No. of Principal Structures	Max. FAR Includes Residential/Non-residential	*Maximum Square Feet of Non-residential	*Maximum Square Feet of Non-residential ground floor	*Minimum Required Square Feet of Residential	Maximum Units per Acre/Max. Total Units	Allowable Uses by Floor	Floor max/min
A	2	.20	16,000 (12,000 max. per building)	16,000	N/A		1 & 2 retail/office	2/1
B	3	.20	24,000 (12,000 max. per building)	24,000	N/A		1 & 2 retail/office	2/1
C	N/A	1.3	56,000	28,000	20,000		1 & 2 retail/office, 2, 3 & 4 residential	4/2
D	N/A	1.3	72,000	36,000	20,000		1 & 2 retail/office, 2, 3 & 4 residential	4/2
E	N/A	.48	38,000	38,000	40,000		1 retail/office, 2 & 3 residential	3/2
F	N/A	.10	10,000	10,000	N/A		1 civic, office, retail, public facilities	N/A
***G	N/A	.55	30,000	30,000	N/A		self-service storage	1
**G	N/A	.35	44,000	44,000	N/A	15 U/A	1 & 2 retail, office, residential	2/1
**I	N/A	.35	30,000	30,000	N/A		1 & 2 retail/office	2/1
H	N/A	N/A	N/A	N/A	N/A	N/A	drainage/office space	N/A
Intensit y **	N/A	N/A	**290,000	**226,000	80,000	20 U/A/400 (average over MUL area)	N/A	N/A

* Square footage figures are in terms of gross square feet.

Revised by Community Development Staff for June 16, 1997, City Commission Meeting.

** PD Amendment dated February 14, 2000

*** The total maximum square footage is 276,000 if Pod G is developed as self-service storage

Table 2: STANDARDS FOR SETBACKS

POD	A & I	B	C	D	E	F	G
STANDARDS							
Front setback from sidewalk	Development Envelope Min. 10', Max 20' along 39 th Ave. The setback area must be landscaped as a greenbelt punctuated by pedestrian connections.	Development Envelope Min. 10', Max. 20' along 39 th Ave. The setback area must be landscaped as a greenbelt punctuated by pedestrian connections.	Building Min. 5', Max 30' if additional area used for outdoor seating and service. Pedestrian treatment must be extended to building front. Upper floor overhangs and balconies and vertical supports, canopies and architectural features may encroach into the setback. Roof elements may encroach up to 3' into the sidewalk clear corridor.	Building Min. 5', Max. 30' if additional area used for outdoor seating and service. Pedestrian treatment must be extended to building front. Upper floor overhangs and balconies and vertical supports, canopies and architectural features may encroach into the setback. Roof elements may encroach up to 3' into the sidewalk clear corridor.	Building Min. 5', Max. 30' if additional area used for outdoor seating and service. Pedestrian treatment must be extended to building front. Upper floor overhangs and balconies and vertical supports, canopies and architectural features may encroach into the setback. Roof elements may encroach up to 3' into the sidewalk clear corridor.	N/A	Min. 5'
Side setback	Development Envelope Min. 10', Max. 20' along Main Entrance Driveway	Development Envelope Min. 10', Max. 20' along Main Entrance. The development envelope setback from the westernmost entrance shall be a minimum of 15 feet and a maximum of 20 feet.	Building Envelope Min. 0', Max. 15'; if additional area used for outdoor seating and service. Pedestrian treatment must be extended to front sidewalk and building sides.	Building Envelope Min. 0', Max. 15' if additional area used for outdoor seating and service. Pedestrian treatment must be extended to front sidewalk and building sides.	Building Envelope Min. 0', Max. 15'; if additional area used for outdoor seating and service. Pedestrian treatment must be extended to front sidewalk and building sides.	N/A	Min. 0' to parking and loading area, Min. 15' to adjacent driveway.
Rear setback	Min. 10'	Min. 10'	Min. 5', Max. 15'	Min. 5', Max. 15'	Min. 5', Max. 15'	N/A	Min. 20' from eastern property line.

Table 2-1: STANDARDS FOR BUILDING USE AND LANDSCAPING

POD	A & I	B	C	D	E	F	G
Building Use	per Table 1	per Table 1	per Table 1	per Table 1	per Table 1	per Table 1	per Table 1
Landscaping	Trees adequate to effect 50% shading of parking and pedestrian areas at 20 years growth. Street trees shall be planted every 50' along the 39 th Avenue site line. The street buffer along 39 th Avenue shall otherwise meet the street buffer requirements for a commercial use as identified in Section 30-253 of the Land Development Code. The development shall meet the requirements of Section 30-253 of the Land Development Code for adjacent use landscaping buffer for a commercial development, except where otherwise provided in the PD Ordinance.	Trees adequate to effect 50% shading of parking and pedestrian areas at 20 years growth. Street trees shall be planted every 50' along the 39 th Avenue site line. The street buffer along 39 th Avenue shall otherwise meet the street buffer requirements for a commercial use as identified in Section 30-253 of the Land Development Code. The development shall meet the requirements of Section 30-253 of the Land Development Code for adjacent use landscaping buffer for a commercial development, except where otherwise provided in the PD Ordinance.	Trees adequate to effect 50% shading of parking and pedestrian areas at 20 years growth.	Trees adequate to effect 50% shading of parking and pedestrian areas at 20 years growth.	Trees adequate to effect 50% shading of parking and pedestrian areas at 20 years growth.	Trees adequate to effect 50% shading of parking and pedestrian areas on the exterior of the building at 20 years growth.	

Table 2-2: STANDARDS FOR BUFFERS

POD	A & I	B	C	D	E	F	G
Buffers	<p>The street buffer area along N.W. 39th Avenue shall be a minimum of 10 feet.</p> <p>Min. 10' landscaped between interior parking and sidewalks.</p> <p>Pedestrian access may be allowed through the required landscape buffer areas.</p>	<p>The street buffer area along N.W. 39th Avenue shall be a minimum of 10 feet.</p> <p>Min. 10' landscaped between interior parking and sidewalks. At the westernmost entrance on 39th Avenue, a 5' min. buffer shall be provided from the edge of the roadway to the sidewalk.</p> <p>In this buffer area, all existing regulated trees shall remain in their natural state. The landscape area shall, at a minimum, meet the adjacent use buffer requirements of the Land Development Code to provide screening from the automotive use to the west. During development plan review, the appropriate reviewing board may require additional vegetation to satisfy screening requirements for the adjacent use buffer.</p> <p>Pedestrian access may be allowed through the required landscape buffer areas.</p>	N/A	N/A	N/A	N/A	<p>If the property is developed with a self-service storage use, a 50-foot buffer shall exist along the eastern boundary of the property described in Section 1 of this ordinance where it abuts tax parcel number 6063-000-000 (Bellamy Forge Condominiums). The buffer shall remain in its natural state, except: 1) where it is necessary to provide a drainage swale based on existing conditions; or 2) where landscape materials are required to meet adjacent use buffer requirements for an industrial use, as required by the Land Development Code. If the property is developed with a use other than self-service storage, the building shall be setback 50 feet and the buffering requirements of Section 30-253 of the Land Development Code shall apply where the property abuts tax parcel number 6063-000-000.</p>

Table 2-3: STANDARDS FOR VEHICLE AND BICYCLE PARKING, AND ACCESS

POD	A & I	B	C	D	E	F	G
Parking Location	General parking envelope location is shown on the Layout Plan; Exact Parking configuration to be established at site design.	General parking envelope location is shown on the Layout Plan; Exact Parking configuration to be established at site design.	Angle parking along linear lots at front and rear of building.	Angle parking along linear lots at front and rear of buildings and access to freestanding lot north of Pod D.	Angle parking along linear lots at front and rear of building freestanding lot northeast section of Pod E, accessed from Pod D, adjacent property and 51 st Street.	Angle parking along linear lots at outer border of plaza.	Parking configuration to be established at site design.
Parking Space Dimensions	City of Gainesville Standards.	City of Gainesville Standards.	City of Gainesville Standards.	City of Gainesville Standards.	City of Gainesville Standards.	City of Gainesville Standards.	City of Gainesville Standards.
Parking Requirement	City of Gainesville Standards with allowances for parking reductions based on the amount of bicycle parking, transit access, and shared parking for residential, office and retail uses within the Pod.	City of Gainesville Standards with allowances for parking reductions based on the amount of bicycle parking, transit access, and shared parking for residential, office and retail uses within the Pod.	City of Gainesville Standards with allowances for parking reductions based on the amount of bicycle parking, transit access, and shared parking for residential, office and retail uses throughout the site.	City of Gainesville Standards with allowances for parking reductions based on the amount of bicycle parking, transit access, and shared parking for residential, office and retail uses throughout the site.	City of Gainesville Standards with allowances for parking reductions based on the amount of bicycle parking, transit access, and shared parking for residential, office and retail uses throughout the site.	City of Gainesville Standards with allowances for parking reductions based on the amount of bicycle parking, transit access, and shared parking for residential, office and retail uses throughout the site.	City of Gainesville Standards
Bicycle Access	Bicycle lanes shall be provided along main driveways to the first intersection.	Bicycle lanes shall be provided along main driveways to the first intersection.			Bicycle lanes shall be provided along main driveways to the first intersection.	Shared auto travel lanes.	N/A
Bicycle Parking	1.5 x City of Gainesville Standard at building.	1.5 x City of Gainesville Standard at building.	1.33 x City of Gainesville Standard at centralized locations to be shared by Pods C, D, E and F.	1.33 x City of Gainesville Standard at centralized locations to be shared by Pods C, D, E and F.	1.33 x City of Gainesville Standard at centralized locations to be shared by Pods C, D, E and F.	1.33 x City of Gainesville Standard at centralized locations to be shared by Pods C, D, E and F.	N/A

Table 2-4: STANDARDS FOR SIDEWALKS AND TRANSIT

POD	A & I	B	C	D	E	F	G
Sidewalk Width	Min. 7' clear corridor parallel to building fronts and along parking lots connected by streetscape, Min. 5' clear corridor when connecting main sidewalk and building entrance and at rear of buildings.	Min. 7' clear corridor parallel to building fronts and along parking lots connected by streetscape, Min. 5' clear corridor when connecting main sidewalk and building entrance and at rear of buildings.	Min. 7' clear corridor parallel to building fronts and along parking lots connected by streetscape. 5' Min. along rear of buildings.	Min. 7' clear corridor parallel to building fronts and along parking lots connected by streetscape. 5' Min. along rear of buildings.	Min. 7' clear corridor parallel to building fronts and along parking lots connected by streetscape. 5' Min. along rear of buildings.	Min. 7' clear corridor parallel to building fronts and along parking lots connected by streetscape. 5' Min. along rear of buildings.	N/A
Sidewalk Connections	At all crosswalks and connecting main sidewalks to building entrances, may cross driveways by designated crosswalks but may not be interrupted by parking lots. Sidewalks required to connect to 39 th Avenue and buildings.	At all crosswalks and connecting main sidewalks to building entrances, may cross driveways by designated crosswalks but may not be interrupted by parking lots. Sidewalks required to connect to 39 th Avenue and buildings.	Sidewalks will be provided which connect parking and crosswalk to building entrances. Sidewalks shall be provided from all vehicular entrances from N.W. 51 st Street.	Sidewalks will be provided which connect parking and crosswalk to building entrances. Sidewalks shall be provided from all vehicular entrances from N.W. 51 st Street.	Sidewalks will be provided which connect parking and crosswalk to building entrances. Sidewalks shall be provided from all vehicular entrances from N.W. 51 st Street.	At all cross walks and connecting main sidewalks to building entrances, and designated activity areas. Sidewalks shall be provided from all vehicular entrances from N.W. 51 st Street.	At crosswalks as shown on layout plan.
Transit Facilities	In accordance with R.T.S. locational standards.	In accordance with R.T.S. locational standards.	In accordance with R.T.S. locational standards.	In accordance with R.T.S. locational standards.	In accordance with R.T.S. locational standards.	In accordance with R.T.S. locational standards.	In accordance with R.T.S. locational standards.

Table 2-5: STANDARDS FOR AUTO CIRCULATION AND DRIVE-THROUGH FACILITIES

POD	A & I	B	C	D	E	F	G
Auto Circulation	Access shown generally on layout plan. Exact location and movement of circulation will be established at the time of development review.	Access shown generally on layout plan. Exact location and movement of circulation will be established at the time of development review.	Generally shown on layout plan. Exact location, dimensions, and movement of circulation will be established at the time of development review.	Generally shown on layout plan. Exact location, dimensions, and movement of circulation will be established at the time of development review.	Generally shown on layout plan. Exact location, dimensions, and movement of circulation will be established at the time of development review.	Generally shown on layout plan. Exact location, dimensions, and movement of circulation will be established at the time of development review.	Access shown generally on layout plan. Exact location and movement of circulation will be established at the time of development review.
Drive-through Facilities	One drive-through facility with a maximum of three (3) drive-through lanes may be permitted in either Pod A or Pod B, but not both, as identified on the PD Layout Plan and only in association with a financial institution or eating place. Direct access to the drive-through is not permitted from N.W. 39 th Avenue. The facility shall be designed to gain access internally from the development via a vehicular use area or an internal driveway. The development plan shall direct drive-through traffic to areas of the site that will have the least conflict with pedestrian and bicycle travel routes and be designed to maintain the integrity of pedestrian corridors addressed elsewhere. Required sidewalks shall not cross stacking areas. Pods G or I shall be allowed only one drive-through facility and only in association with a financial institution or eating place.	One drive-through facility with a maximum of three (3) drive-through lanes may be permitted in either Pod A or Pod B, but not both, as identified on the PD Layout Plan and only in association with a financial institution or eating place. Direct access to the drive-through is not permitted from N.W. 39 th Avenue. The facility shall be designed to gain access internally from the development via a vehicular use area or an internal driveway. The development plan shall direct drive-through traffic to areas of the site that will have the least conflict with pedestrian and bicycle travel routes and be designed to maintain the integrity of pedestrian corridors addressed elsewhere. Required sidewalks shall not cross stacking areas.	Not allowed.	Not allowed.	Not allowed.		One drive-through facility with a maximum of three (3) drive-through lanes may be permitted in either Pod G or Pod I, but not both, as identified on the PD Layout Plan and only in association with a financial institution or eating place. Direct access to the drive-through is not permitted from N.W. 39 th Avenue. The facility shall be designed to gain access internally from the development via a vehicular use area or an internal driveway. The development plan shall direct drive-through traffic to areas of the site that will have the least conflict with pedestrian and bicycle travel routes and be designed to maintain the integrity of pedestrian corridors addressed elsewhere. Required sidewalks shall not cross stacking areas.

Table 2-6: STANDARDS FOR LIGHTING

POD	A & I	B	C	D	E	F	G
Lighting	<p>Pedestrian Corridors will be lighted to IES minimum standards for pedestrian use. Parking lots will be lighted to City minimum standards for parking lots. Care will be taken to avoid spill over lighting or glare toward residential areas.</p>	<p>Pedestrian Corridors will be lighted to IES minimum standards for pedestrian use. Parking lots will be lighted to City minimum standards for parking lots. Care will be taken to avoid spill over lighting or glare toward residential areas.</p>	<p>Pedestrian Corridors will be lighted to IES minimum standards for pedestrian use. Parking lots will be lighted to City minimum standards for parking lots. Care will be taken to avoid spill over lighting or glare toward residential areas.</p>	<p>Pedestrian Corridors will be lighted to IES minimum standards for pedestrian use. Parking lots will be lighted to City minimum standards for parking lots. Care will be taken to avoid spill over lighting or glare toward residential areas.</p>	<p>Pedestrian Corridors will be lighted to IES minimum standards for pedestrian use. Parking lots will be lighted to City minimum standards for parking lots. Care will be taken to avoid spill over lighting or glare toward residential areas.</p>	<p>Pedestrian Corridors will be lighted to IES minimum standards for pedestrian use.</p>	<p>Pedestrian Corridors will be lighted to IES minimum standards for pedestrian use. Security lighting of the self-service storage facility shall be designed such that the cone of illumination is limited to the self-service storage facility and shall not spill over onto the adjacent development and other residential lands. Lighting shall be used and designed such that it only reflects internally to the facility.</p>

TABLE 2-7: STANDARDS FOR POD G WITH USES OTHER THAN SELF- SERVICE STORAGE

Standards for Setbacks

Sidewalks	To be determined at development review.
Side	(East) Building shall be setback a minimum 50’ where abutting tax parcel 6063-000-000 (Bellamy Forge Condominiums) and a 75’ building setback north to tax parcel 6063-000-000 (Bellamy Forge Condominiums). Any allowable uses that encroach beyond the building envelope shall be subject to the standards of Pod G, as modified for non-self storage uses.
Building Use	Per Table1.
Landscaping	Trees adequate to effect 50% shading on parking and pedestrian areas at 20 years growth.
Buffers	The building shall be set back 50’ and the buffering requirements of section 30-253 of the Land Development Code shall apply where the property abuts tax parcel number 6063-000-000 (Bellamy Forge Condominiums).
Parking Location	Parking configuration to be established at site design.
Parking Space Requirements	City of Gainesville Standards with allowances for parking reductions based on the amount of bicycle parking, transit access, and shared parking for residential, office and retail uses with the Pod.
Bicycle Parking	1.33 x City of Gainesville Standards at centralized locations to be shared by Pods C and I.
Sidewalk Width	Min. 7’ clear corridor parallel to building fronts and along parking lots connected by streetscape. 5’ Min. along rear of buildings.
Sidewalk Connections	Sidewalks will be provided which connect parking and crosswalk to building entrances.

TABLE: 2-8: STANDARDS FOR POD G WITH USES OTHER THAN SELF-SERVICE STORAGE

Transit Facilities	In accordance with R.T.S. locational standards.
Auto Circulation	Generally shown on layout plan. Exact location, dimensions and movement and circulation will be established at the time of development review.
Drive-through Facilities	<p>One drive-through facility with a maximum of three (3) drive-through lanes may be permitted in either Pod G or Pod I, but not both. Direct access to the drive-through shall not be permitted from N.W. 39th Avenue. The facility shall be designed to gain access internally from the development via a vehicular use area or an internal driveway. The development plan shall direct drive-through traffic to areas of the site that will have the least conflict with pedestrian and bicycle travel routes.</p> <p>Designed to maintain the integrity of pedestrian corridors addressed elsewhere. Required sidewalks shall not cross stacking areas.</p>
Lighting	Pedestrian Corridors will be lighted to IES minimum standards for pedestrian use. Parking lots will be lighted to City minimum standards for parking lots. Care will be taken to avoid spill over lighting or glare toward residential areas.
Signs	Building signs in Pod G shall not exceed the size permitted by the requirements of the Land Development Code but may be additionally regulated by development covenants.

TABLE 3: GENERAL STANDARDS AND CONDITIONS

USES	STANDARDS
Outdoor Activities	
Outdoor cafes are allowed to operate on sidewalks, including area within the setback and in courtyards provided pedestrian circulation and access to store entrances are not impaired.	<ol style="list-style-type: none"> 1. A minimum of 7' clear pedestrian sidewalk path must be maintained and a 5' clear path leading to the entrance must be maintained free of tables and chairs. 2. Planters, posts with ropes, or other removable enclosures are encouraged to be used as a way of defining the area occupied by the cafe. 3. Awnings or canopies may be extended from the building over the cafe area and large umbrellas are permitted to provide shade from cafe customers.
Retail sales, entertainment activities and other promotional events shall be permitted in the community plaza.	<ol style="list-style-type: none"> 1. Tents, booths and canopies and stages erected for special events can remain in place for only 30 days out of each 90-day period. 2. Lighting for special events in the community plaza must be screened from off-site residential development, must not shine directly into roadways or driveways and must be used only during business hours. Small ornamental lights may be installed in trees.
Sidewalk displays are permitted, except in the front of buildings along 39 th Avenue. Outdoor storage shall be prohibited throughout the development.	<ol style="list-style-type: none"> 1. Displays must be located directly in front of the building but must not hinder pedestrian access to the entrance of the building. 2. At least a 7' of clear pedestrian sidewalk path must be maintained. 3. Displays must be located adjacent to the front wall of the building and may not extend more than five feet from the wall. 4. Displays may extend a maximum of 75% of the length of the building front. 5. Displays must be removed at the end of normal business hours.
Outdoor uses.	All outdoor uses, including but not limited to, entertainment activities and other promotional events which occur in Pod F, shall comply with the City's noise ordinance. Flea markets shall be prohibited.
Building Characteristics for Pods A, B, C, D, E, F, G (non-self storage) and I.	
Tinted glass is not permitted in windows on the first floor.	Stained glass is permitted in doors or may be hung inside windows as long as it does not obscure more than 30% of the required window area per building front.
Exterior metal building wall are not permitted. Vinyl siding of a minimum specified gauge can be used.	
Gable and hipped roofs are encouraged.	<ol style="list-style-type: none"> 1. Pitched roofs shall have a minimum slope of 4:12. 2. Roof pitch and parapets not included in height limitation.
Buildings with flat roofs shall be designed with parapets.	Parapets on flat roofs shall be of sufficient height to screen all roof mounted equipment from the view of pedestrians within 200 feet of the building.
Entrances, outdoor gardens, and cafes shall be lighted with building mounted lights.	<ol style="list-style-type: none"> 1. Low pressure sodium and mercury vapor lights are not permitted as building mounted lights. 2. Building mounted lights shall be ornamental, and shall be designed and located as appropriate to provide light while preventing glare for pedestrians. 3. Additional building mounted lighting will be required to meet minimum IES standards for pedestrian lighting where overhangs, canopies, awnings or roof structures interfere with pedestrian lighting from sidewalk lampposts.
All air conditioning units, HVAC systems, elevator housing, satellite dishes and other telecommunication receiving devices shall be screened from view from the public right-of-way and from adjacent properties.	Screen devices may include walls, fencing, roof elements, penthouse type screening devices, or landscaping.
Exit stairs shall not be permitted on a building's front facade.	
Solid metal security gates or solid roll-down metal devices shall not be permitted. Grill or link type security devices shall be permitted.	Such security devices are permitted only if installed from the inside, within the window or door frames.

TABLE 3: GENERAL STANDARDS AND CONDITIONS

USES	STANDARDS
Shutters	Non-operable shutters and those not made of wood or metal shall be prohibited. Shutters must be operable and proportioned to cover half of the width of the window opening.
Building Characteristics for Pods A, B, C, D, E, F, G (non-self storage) and I.	
Long uninterrupted walls along pedestrian areas are discouraged in the following minimum guidelines:	<ol style="list-style-type: none"> 1. Store front facades shall meet minimum standards set below. 2. Building walls on ground floors adjacent to main pedestrian areas shall be designed to include architectural relief a minimum of every 20 feet to include setback variations inset or projecting planters, windows, pilasters or bays, etc. 3. There shall be at least one building entrance every 100 linear feet.
Ground level finished floor elevations shall be built at grade level to provide for accessibility and pedestrian orientation.	Sidewalks to entrances may not exceed 1:24 in slope to preclude the need for rails.
Maximum individual building footprint in Pods C, D and E is 5,000 sq. ft. (excluding Pod G)	
Building entrances shall face pedestrian areas. Corner buildings may have offset entrances to provide architectural interest. Entrances to Pod G shall be determined at site plan review.	<ol style="list-style-type: none"> 1. Pods C and D shall face the community plaza. 2. Entrances to buildings in Pod E will face pedestrian connections. 3. Entrances to Pod A will face pedestrian connections. 4. Entrances to Pod B shall face the community plaza while meeting building front transparency requirements along 39th Avenue.
Window and door area shall be provided along ground floor facades to provide pedestrian interest.	<ol style="list-style-type: none"> 1. Pods C, D, E and F building front minimum transparency standards by maximum front facade length in feet: 20 feet – 25%; 30 feet – 30%; 40 feet – 40%; 50 feet – 55%; 60 feet and over – 60%. 2. Buildings in Pods A, B, and I shall meet the above minimum standards on the side facing the Community Plaza and shall meet 2/3 the above minimum standards on the side facing 39th Avenue.
Front building facades in Pods C, D and E shall extend the entire front building setback except for spaces dedicated to entrances and pedestrian corridors. Pods A and B will meet reduced standards for facade line.	<ol style="list-style-type: none"> 1. Gaps left in the building facade to accommodate courtyards for cafes and gardens shall be enclosed by garden wall or decorative fencing of 3 feet in height except for entrances. 2. Decorative fencing or garden walls shall be incorporated into landscape plans for areas adjacent to pedestrian corridors in Pods A and B. Breaks in the fencing and/or walls shall correspond to pedestrian connections. Facade extensions along 39th Avenue will meet a minimum of 60% including fences and garden walls.
Courtyards may be created by side yard setbacks.	<ol style="list-style-type: none"> 1. Courtyards may extend a maximum of 15 feet along the building front setback line. 2. Each must be enclosed (except for entrances) by a garden wall, fence or landscape line. 3. The streetscape materials must be extended over the surface of the courtyard. 4. Courtyards must not extend through to the rear setback line but must be enclosed on three sides by building, landscaping, elements of street furniture or walls to create a sense of enclosure.
Upper floor overhangs, balconies and vertical structural supports, canopies, awnings, entry roofs and architectural features are encouraged.	<ol style="list-style-type: none"> 1. Listed features may encroach into the setback. 2. Roof elements may extend up to 3' past the setback line.
Building Signs	
Within the development, signage shall be governed by the standards provided in the PD ordinance. Signs permitted for individual buildings: Each business is entitled to one primary, one secondary and one directional building sign which are designed to provide information, direction and design interest without obscuring architectural detail or creating a cluttered appearance.	<ol style="list-style-type: none"> 1. Signs shall be affixed to the front facade of the building. 2. Maximum size is 24 square feet. 3. Signs shall not extend above the second floor eaves line. 4. The height of letters, number shall not exceed 10 inches. 5. Secondary signs of up to 10 square feet are permitted on any side or rear entrance open to the public or used for deliveries. 6. Directional signs of up to 4 square feet are allowed and must be placed above or adjacent to the entrance leading to the advertised business. 7. Projecting signs (installed perpendicular to the building) may be installed as long as the surface of the sign does not exceed 8 square feet and the other requirements for the primary sign are met. This sign would be permitted in place of not in addition to the primary wall mounted sign. 8. Painted window or door signs are allowed as long as the area of the sign does not exceed four square feet and the height of the letters and numbers does not exceed 4 inches. Limit is one sign per business.

TABLE 3: GENERAL STANDARDS AND CONDITIONS

USES	STANDARDS
	<p>9. Awning signs are allowed as long as the sign area is no more than 24 square feet. This sign would be permitted in place of , not in addition to, the primary wall mounted sign.</p> <p>10. Each business is permitted one sign or lightpost mounted sign in place of the directional sign. Such signs must be in keeping with the design of the sign post or lightpost and be consistent with the architectural character of the street furniture.</p> <p>11. Hanging signs of up to 2 square feet which are attached under awnings or canopies are permitted in place of the directional sign.</p> <p>12. In addition to the above, restaurants and cafes shall be permitted a wall mounted display featuring the actual menu or specials. The display shall be contained in a shallow case and clearly visible to pedestrians. It must be attached to the wall near the main entrance and shall not exceed a total area of 2 square feet. It may be lighted.</p> <p>13. Building signs in Pods A, B and I shall exceed the size permitted by the requirements of the Land Development Code but may be additionally regulated by development covenants.</p>
Free-standing Signs	
	<p>1. The development may be allowed three free-standing signs along the N.W. 39th Avenue frontage. The maximum height may not exceed ten feet. Signage shall be allowed as follows: 72 square feet main entrance sign; a 32 square foot self-service storage sign, and a 16 square foot west entrance sign. Free-standing signs shall be separated by a minimum of 300 feet. Free-standing signs shall not be internally illuminated. No additional free-standing signs shall be allowed for individual buildings or pods.</p> <p>2. Only one free-standing sign shall be permitted along N.W. 51st Street. The maximum height of the sign shall be 8 feet. The maximum size of the sign shall not exceed 24 square feet. In lieu of the 24 square foot sign, a residential sign may be permitted. If the residential sign is free-standing, the maximum size shall not exceed 24 number square feet. A residential wall-mounted sign may be allowed, not to exceed 24 square feet on one side of the wall. The signs shall not be internally illuminated.</p> <p>3. The base of all free-standing signs shall be landscaped up to a minimum of 3 feet from the supports of the sign. Landscape materials and vegetation shall be used to achieve a terraced-like effect.</p> <p>4. The leading edge of all free-standing signs shall maintain a setback of ten (10) feet from the property line.</p>
Prohibited Signs: Certain signs interfere with the pedestrian scales and quality of the development and will not be allowed.	<p>1. Signs employing mercury vapor, low pressure and high pressure sodium and metal halide lighting, plastic panels or rear-lighting are prohibited.</p> <p>2. Signs may not be installed on roofs, dormers and balconies, penthouses or parapets.</p>
Storage Buildings Standards	
The exterior wall of the outer storage building will be constructed of split faced block. Its roof will be pre-formed metal.	<p>1. The maximum height of self-service storage buildings shall be one story, not to exceed 10 feet in height above finished floor elevation; roof pitch may exceed that height. Will be designed with architectural relief a maximum of every 50 linear feet.</p> <p>2. The self-service storage facility shall be designed in a “U” configuration, with storage doors facing the interior courtyard, or with all storage doors facing internal hallways, or in some other manner such that all storage doors face internally to the facilities. No such opening shall be visible off-site or from within the development.</p> <p>3. The roof of the exterior units on the east and north sides of the building will slope inward so as not to be visible from the ground to the outside.</p> <p>4. There will be no entrance or exit or other break in the outside wall along the east or north sides.</p> <p>5. The resident manager office/apartment may be two stories but will not be located along the northern 2/3s of the eastern wall or along the northern walls of the building.</p>
The storage operation will be conducted in a manner which ensures compatibility with the adjacent residential use.	<p>1. Electrical receptacles shall not be provided within any storage units.</p> <p>2. Storage units will be a maximum of 20 feet deep and 20 feet wide.</p> <p>3. No noxious odors or obnoxious noises will emanate from the site.</p> <p>4. The storage units will be used for the purpose of storing personal and business materials only.</p> <p>5. In order to encourage a pedestrian scale and avoid the storage of unsafe or visually obtrusive goods, the maximum size of any one unit shall not exceed 400 square feet. The following activities shall not be permitted within the self-service storage facility: storage of hazardous materials, habitation of units, music rehearsal studios, auctions, flea markets, other sales activities, service, repair, fabrication, or transfer/storage businesses, operation of power tools, any activities which</p>

TABLE 3: GENERAL STANDARDS AND CONDITIONS

USES	STANDARDS
	<p>generate odor, noise, fumes, vibration, or dust of a nuisance level. All storage shall be within completely enclosed buildings. Only dead storage shall be permitted.</p> <p>6. No bathroom facilities will be installed in any storage unit.</p> <p>7. The outside wall will not be lit on the north or east sides.</p> <p>8. A wood fence will be extended from the wall to connect to the fence on the south side of the Bellamy Forge property. Another wood fence, to be maintained by Magnolia Parke, will be installed along the east property line from the fence along the south property line of Bellamy Forge to the north border of the Bellamy Forge property.</p> <p>9. The storage building will not extend northward beyond the north fence of the Bellamy Forge tennis courts.</p> <p>10. The storage building will be set back a minimum of 50 feet from the east property line.</p> <p>11. The 50-foot eastern setback may contain a drainage swale and landscaping replanted to create a drainage and vegetative buffer.</p> <p>12. The maximum hours of operation shall be Monday-Friday 6:30 AM – 7:00 PM, Saturday 7:00 AM – 7:00 PM, Sunday 10:00 AM – 5:00 PM.</p> <p>13. Closed circuit video will be installed for security.</p> <p>14. Any trash receptacles shall be interior to the self-service storage.</p> <p>15. Highway style guardrail, chain-link fencing, or barbed wire or razor wire are prohibited.</p>
Garbage Collection	<p>Garbage collection, recycling and other utility areas shall be screened around their perimeters, with enclosures of wood, brick or decorative masonry with a roof, or by brick walls; with a minimum height of 7 feet, and shall extend on 3 sides of such an area, where applicable, with a gate or door on the fourth side. Such a wall shall be capped on 3 sides, where applicable. A landscape planting strip a minimum of 3 feet wide shall be located on exposed, non-gated sides of such a facility.</p>
Fencing	<p>Fences shall not be more than 4 feet high where they abut a public right-of-way. The use of solid board fences shall not be permitted. Walls and fences shall comply with the building standards contained in the PD Report, which shall be architecturally compatible with the style, materials and color of buildings.</p>
Wetlands and Stormwater Management	<p>The removal, fill or disturbance of wetlands shall be in accordance with the requirements of the St. John's River Water Management District and the City's Comprehensive Plan and Land Development Code.</p> <p>Sufficient area must be provided for the stormwater management basins. If it is determined by the Public Works Director that additional area is needed, then provision of additional off-site property by the owner/developer or a PD amendment shall be required.</p> <p>The stormwater management system shall be designed so that there is not an increase in the pre-development rate and volume of run-off for the 25 year critical duration storm event in the post-development conditions.</p> <p>Amendments to floodplain elevations must be in accordance with the City of Gainesville Flood Control Ordinance and the Federal Emergency Management Agency (FEMA) regulations.</p>
Transportation Issues	<p>An ingress and egress easement shall be provided between Pod G and Pod I. No direct access into Pod I from NW 39th Avenue shall be permitted.</p> <p>The extension of N.W. 51st within the PD shall be designated and constructed by the petitioner in such a manner as to accommodate the future connection of N.W. 42nd Lane within the Huntington development.</p> <p>Sidewalks shall be provided by the developer at his or her own cost and expense, form the public sidewalks along N.W. 39th Avenue to all buildings fronting N.W. 39th Avenue and from all vehicular entrances to the development. Sidewalks shall be provided from all vehicular entrances from N.W. 51st Street.</p> <p>Crosswalks shall be provided where necessary and appropriate and in the general location shown on the PD Layout Plan. The exact location of the crosswalks shall be determined at development plan review. Crosswalks shall be of a safe and efficient design as determined by the Public Works Department and shall be distinguished by grade, texturing or paint, consistent with the standards contained in the PD Report.</p> <p>Sidewalks shall be provided in the general location as shown on the PD Layout Plan. The exact location of sidewalks shall be determined at development plan review.</p>

TABLE 3: GENERAL STANDARDS AND CONDITIONS

USES	STANDARDS
Development Schedule	Pod G, if developed with a self-service storage use, shall be issued a building certificate of occupancy only after a certificate of occupancy has been issued for a minimum of: 1) one building in Pod A; 2) two buildings in Pod B; and 3) 15,000 gross square feet of gross floor area including residential development in Pod C.
General Provisions	<p>The project shall maintain an architectural review board with a licensed architect on the board.</p> <p>All streets within the PD shall be private and shall be identified by street numbers with reference to 39th Avenue and 51st Street.</p> <p>Unless otherwise provided for in this ordinance, the subject property shall be regulated by the Land Development Code and must comply with all applicable regulations.</p> <p>At the time of development plan review, a tree survey shall be provided. Regulated trees shall be preserved in accordance with the Land Development Code and in coordination with the City Arborist. The methodology in determining the tree shaded areas shall meet the requirements of the Land Development Code.</p> <p>Parking lot layout, landscaping, buffering and screening shall avoid spill-over light onto adjacent properties, in particular residential properties. Parking lots in Pods A and B exposed to view from 39th Avenue shall be buffered by a minimum of a 3' high hedge or wall along all parking spaces adjacent to 39th Avenue.</p> <p>The parking lot shown on the PD Layout Plan between Pods G and C will not be developed until needed, as determined by the Development Review Board.</p>

TABLE 4: USES

SIC	Uses	Conditions
	Residential (up to 20 dwelling units per acre development)	15 du/a in Pod G
	Residential use buffer	
	Compound uses	
	Any accessory uses customarily and clearly incidental to any principal use	
	Family day care homes	When part of a permitted single-family or multifamily residential component and in accordance with state law
	Eating places	Including outdoor cafes as either principal or accessory uses. Excluding adult entertainment establishments as defined by City of Gainesville Code of Ordinances. Drive-throughs are allowed as accessory to an eating place consistent with Condition 13 in the PD ordinance.
	Places of religious assembly	
	Repair services for household needs	As defined in Article II
	Bed and breakfast establishments	
GN-074	Veterinary services	Only within enclosed buildings and in accordance with Article VI
GN-078	Landscape and horticultural services	
IN-0752	Animal specialty services, except veterinary	Only within enclosed buildings
MG-15	Building construction - General contractors and operative builders	
GN-171	Plumbing, heating and air conditioning	
GN-172	Painting and paper hangers	
GN-173	Electrical work	
MG-27	Printing, publishing and allied industries	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger service	Offices only, with no operation of passenger tours from the site
GN-481	Telephone communications	
GN-482	Telegraph and other message communications	
GN-483	Radio and television broadcasting stations	Excluding freestanding towers

TABLE 4: USES

SIC	Uses	Conditions
GN-523	Paint, glass and wallpaper stores	
GN-525	Hardware stores	
MG-526	Retail nurseries, lawn and garden supply stores	
MG-53	General merchandise stores	
MG-54	Food stores	
GN-533	Auto and home supply stores	Excluding garage and installation facilities
MG-56	Apparel and accessory stores	
MG-57	Furniture, home furnishings and equipment stores	
MG-59	Miscellaneous retail	Excluding direct selling establishments (IN-5963), fuel dealers (IN-5983); including liquor stores (IN-5921), limited to 2,000 square feet and excluding onsite consumption; inside storage for all uses
Div. H	Finance, insurance and real estate	Excluding cemeteries (IN-6553). Drive-throughs are allowed as accessory to a financial institution consistent with Condition 13 in the PD ordinance.
MG-72	Personal services	Excluding funeral services and crematories, and linen
Mg-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified
GN-752	Automobile parking	Associated with uses located in development
MG-76	Miscellaneous repair services	Excluding GN-769
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833) and outdoor filming facilities
MG-79	Amusement and recreation services	Only within enclosed structures, and excluding go-cart rental and raceway operations and also excluding commercial sports GN-794
MG-80	Health services	Including nursing and intermediate care facilities, and excluding rehabilitation centers and hospitals (GN-806)
MG-81	Legal services	
MG-82	Education services	Private schools, in accordance with Article VI of the City land development regulations, Chapter 30

TABLE 4: USES

SIC	Uses	Conditions
MG-83	Social services	Including day care centers as defined in, excluding residential care rehabilitation centers, halfway houses, social service homes, and residences for the destitute people defined in Chapter 30 of the City of Gainesville Code of Ordinances
GN-841	Museums and art galleries	
MG-86	Membership organizations	
MG-87	Engineering, accounting, research management and related services	Excluding (IN-8734) testing laboratories and (IN-8744) facilities support management services
Div. J	Public Administration	
MG-89	Services, not elsewhere classified	
	Alcoholic Beverage establishments	Allowed in Pods C and D only. 3000 square feet maximum per establishment, excluding drive-throughs.
	Roominghouses and boardinghouses	
	Self-service storage	In accordance with the Magnolia Parke PD standards.

**WETLAND MITIGATION
PLAN
MAGNOLIA PARKE EAST
GAINESVILLE, FLORIDA**

Prepared For:

**BROWN & CULLEN INC.
GAINESVILLE, FLORIDA**

Prepared By:

**CREATIVE ENVIRONMENTAL SOLUTIONS, INC.
GAINESVILLE, FLORIDA**

Revised-July 1999

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to Ordinance No. 130118
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1.0 INTRODUCTION/EXISTING HYDROLOGY

The proposed project is located east of the Magnolia Parke development adjacent to 39th Avenue in Gainesville, Florida. Specifically, the site is located in the southeast quadrant of Township 9 South, Range 19 East, Section 22 in Alachua County (Figure 1-1). The total project area consists of 3.71 acres and will ultimately accommodate approximately 75,000 square feet of impervious area. The site, which is formally known as the Clay Electric Parcel is comprised of 1.59 acres of wetlands and 2.1 acres of uplands. The wetlands are dominated in the canopy by a mixture of Red Maple, Slash Pine, Live Oak and Water Oak. The majority of the trees are approximately 10-15 years of age. The subcanopy is comprised of a mixture of smaller Water Oaks, Red Maple and Wax Myrtle. Ground cover species consist of Green Briar, Elderberry, Kudzu (*Pueraria montana*) and Air Potato (*Dioscorea bulbifera*). On the eastern edge of the wetland system is a man-made ditch which extends north/south along the entire property line. The wetland receives storm water from the Bellamy Forge Condominiums to the north and Magnolia Parke to the west (Figure 1-2). The ditch allows storm water to flow south under NW 39th Avenue where it eventually discharges to Monterrey Creek, a tributary of Hogtown Creek. The ditch has been impacted by adjacent development to the northeast as evidenced by the presence of construction debris, shopping carts, and domestic garbage and by the invasion by exotic and noxious species. The upper reaches of the ditch are heavily overgrown with Kudzu and Potato Vine and the deeper parts of the channel have been colonized by a thick growth of Wild Taro (*Colocasia esculenta*).

Soils within the project boundary are shown in Figure 1-3. The entire site is comprised of Wachula sand which is a poorly drained soil indicative of pine flatwoods. Current land use within the project boundaries consists of open land dominated by Bahia grass, hardwood and herbaceous wetlands and open water. The northern portion of the site was formerly a Clay Electric sub-station (approximately 0.58 acres).

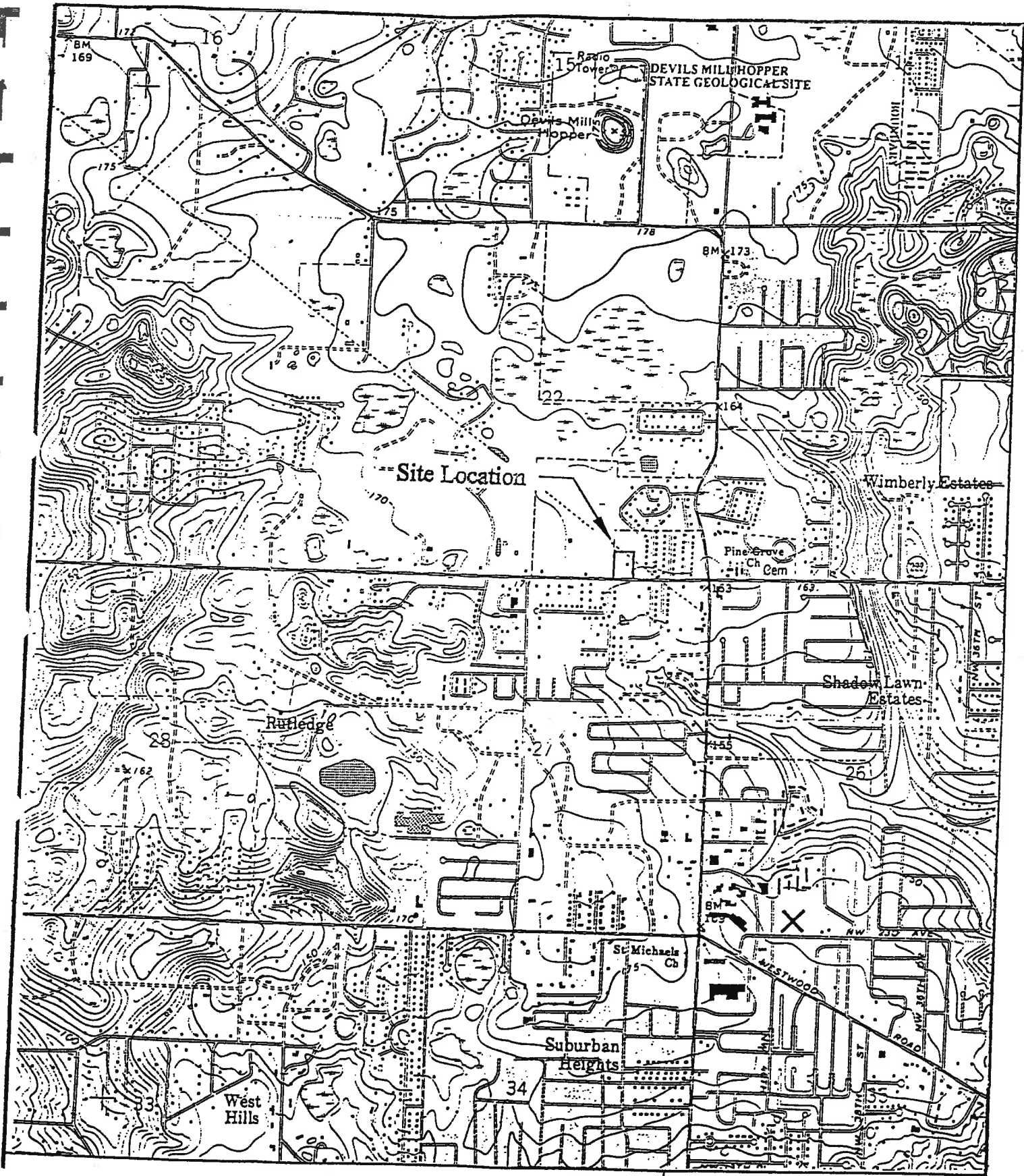


Figure 1-1
 Location Map
 Magnolia Parke East

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Creative Environmental Solutions, Inc.

928 NW 16th Avenue, Suite 1
 Gainesville, FL 32601
 PHONE: (352) 371-4333
 FAX: (352) 371-0020

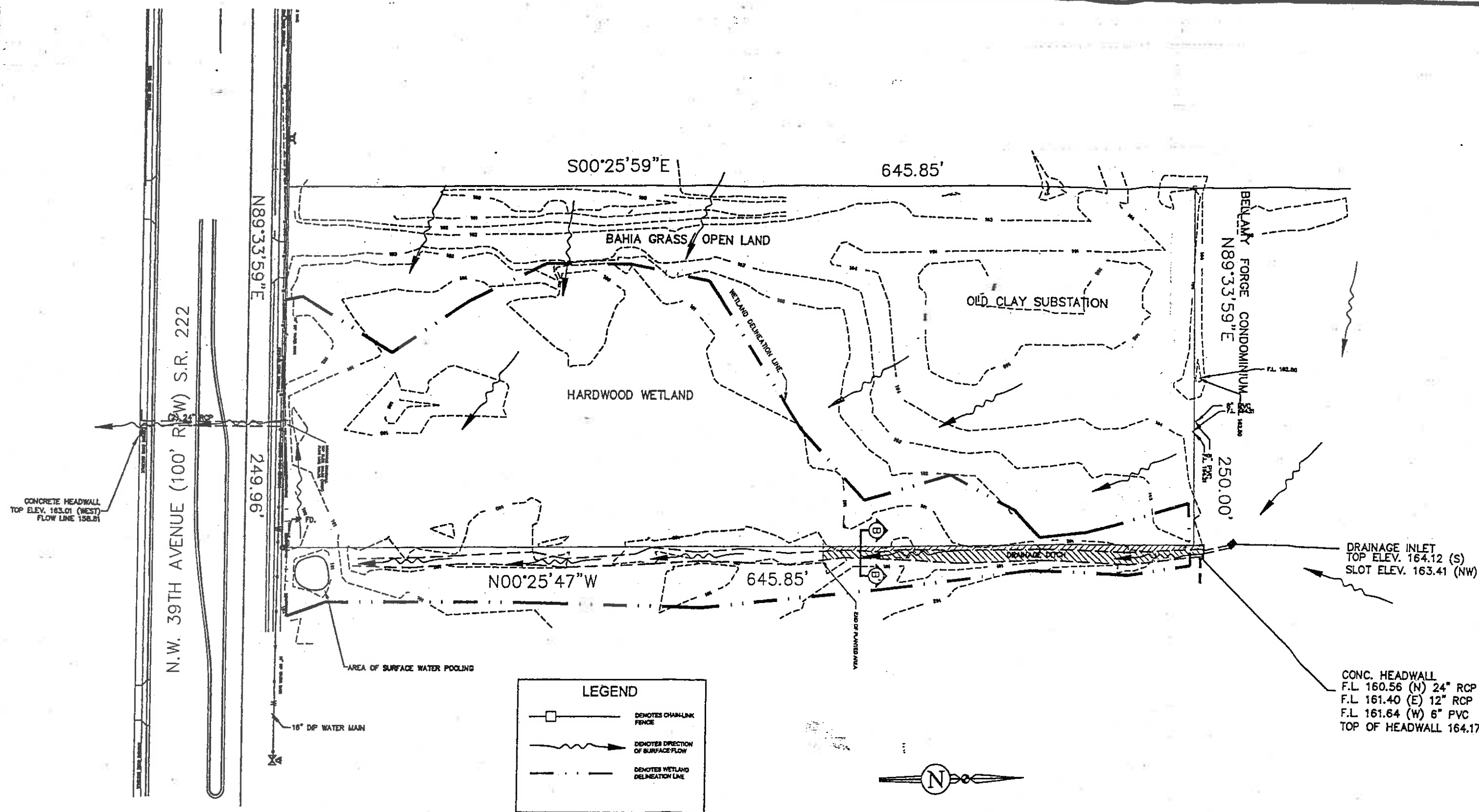


Figure 1-2
Existing Hydrology
Magnolia Parke East
Gainesville, Florida

Creative Environmental Solutions, Inc.
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to Ordinance No. 130118
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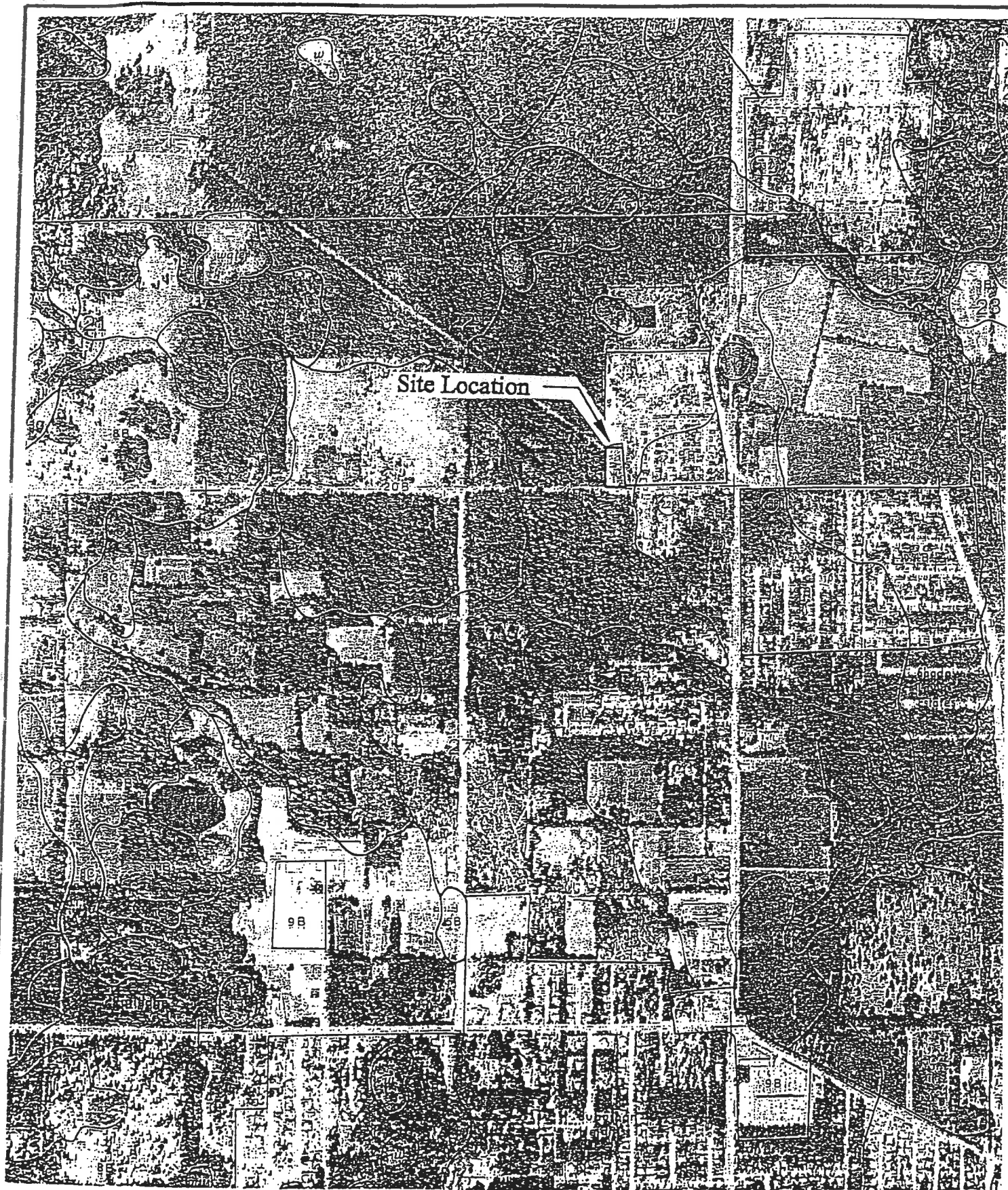


Figure 1-3.
Soils Map
Magnolia Parke East
Gainesville, Florida

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CES Creative
Environmental
Solutions, Inc.
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2.0 WETLAND IMPACTS/WETLAND MITIGATION

As a result of meetings and site inspections by both SJRWMD and Alachua County, the wetland impact associated with the project has been reduced from the initially proposed 0.91 acres to the currently proposed 0.61 acres. This impact is necessary to effectively and safely ingress and egress the property and is offered subsequent to several revisions based upon agency comments. The revised impact area is shown in Figure 2-1 and consists of the western edge of the jurisdictional wetland. The majority of the tree canopy in the impact area is Slash Pine, Water Oak and Red Maple. The subcanopy consists of smaller Pines and Oaks with scattered Wax Myrtles occurring along the wetland edge. Also evident along the edge of the system is a thick under story of Green Briar, Blackberry, and Elderberry. Several small drainage ways bisect the area and are comprised of a mixture of Wild Taro, Lizard Tail and Pickerelweed. The impact area is in less than pristine condition as evidenced by the presence of noxious and exotic plant species and by the amount of domestic trash and discarded material found in its interior and along its edges.

To offset the potential impacts to fish and wildlife a combination of wetland creation and storm water treatment is proposed. As part of the adjacent Magnolia Parke development, several wetlands were preserved and enhanced. The proposed wetland creation (area 1) is designed to further enhance existing systems on the Magnolia Parke development (to the west) that were determined to be the highest ecological value due to their size and connection to waters of the state. The proposed design includes the creation of 0.5 acres of hardwood wetland adjacent to wetlands number 2 and 13 on the Magnolia Parke property (Figures 2-2 and 2-3). The design vegetatively connects the two areas and incorporates many of the existing wetland trees and woody species into the creation area. The proposed hydrology of the created system will mimic the existing hydrology of wetland 2. Prior to the development of Magnolia Parke, wetland 2 was experiencing stress due to local hydrological changes which were aggravated by a ditch on the south side of the system. Since the construction of new water management facilities, CES has observed significant changes in species composition in the wetland due to the restoration of a more normal hydrology. Much of the exotic vegetation growing along the perimeter of the system prior to the construction has been naturally replaced with native wetland trees including Sweetgum, Sweet Bay and Cypress.

As shown in Figure 2-2 and 2-3, several native wetland species have been incorporated into the design including Cypress, Red Maple, Sweet Bay, Sweetgum, Wax Myrtle and Buttonbush. Tree species will be planted on 15 foot centers and consist of a minimum 3 gallon size. Woody species will be a minimum 1 gallon size and will be planted on 8 foot centers. Tree and woody species will be from nursery stock. Water levels within the created wetland will fluctuate between 165 ft. msl (mean sea level) and 162 ft. msl. As part of the ERP for Magnolia Parke, the seasonal high water elevation of wetland 2 was estimated to be 165.17 ft. above msl.

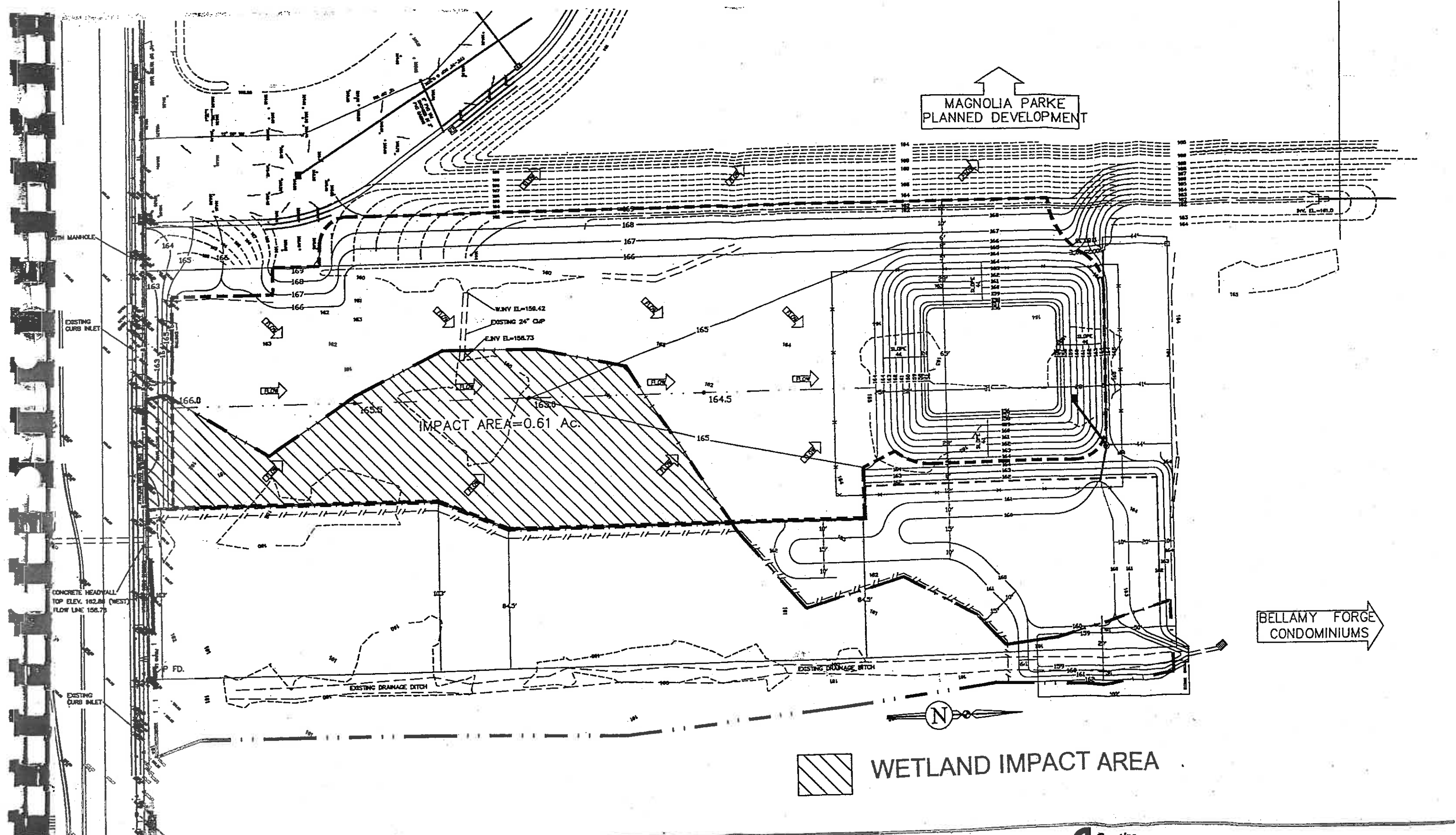
In addition to the wetland creation on the Magnolia Parke property, the applicant will create 0.42 acres of hardwood wetlands on the Magnolia Parke East property in the location shown in Figures 2-4 and 2-5. The mitigation area will be planted with a mixture of Cypress, Red Maple, Sweet Bay, Wax Myrtle and Virginia Willow. Tree species will be planted on 15 foot centers and consist of a minimum 3 gallon size. Woody species will be a minimum 1 gallon size and will be planted on 8

foot centers. Tree and woody species will be from nursery stock. Water levels in the mitigation area will fluctuate between 160 ft. and 162 ft. msl.

The mitigation ratio for the wetland creation outlined above is approximately 1.5 :1 (0.61 ac impact vs 0.92 ac creation). To offset the balance of the impact the applicant will create a sedimentation basin to treat storm water from the Bellamy Forge Condominium complex to the north of the proposed project and a 0.78 ac planted buffer adjacent to wetland creation area 1 (Figure 2-2).

Because of the need to maintain drainage north/south along the eastern property line of the proposed development the existing ditch will remain in operation. The ditch receives the majority of its flow from Bellamy Forge which was constructed in the 1970's before storm water regulations were mandated by state law. As part of the initial design of this project, CES collected surface water samples from storm water pipes which enter the existing ditch at its origin in the north part of the proposed development, from a concrete storm water conveyance entering the site from Magnolia Parke and from the culvert at NW 39th Avenue (Figure 2-6). The results of the sampling compared to EPA average concentrations (NURP, 1983) for the chosen sample parameters are shown in Tables 2-1 and 2-2.

As is evident from the results, untreated storm water which exists the ditch at the NW 39th Avenue culvert is high in nitrogen, phosphorous and chemical oxygen demanding substances. To reduce the impact of untreated storm water entering areas downstream including Hogtown Creek, the applicant has agreed to retrofit the system by installing a sedimentation basin in the location shown in Figure 2-2.



MAGNOLIA PARKE
PLANNED DEVELOPMENT

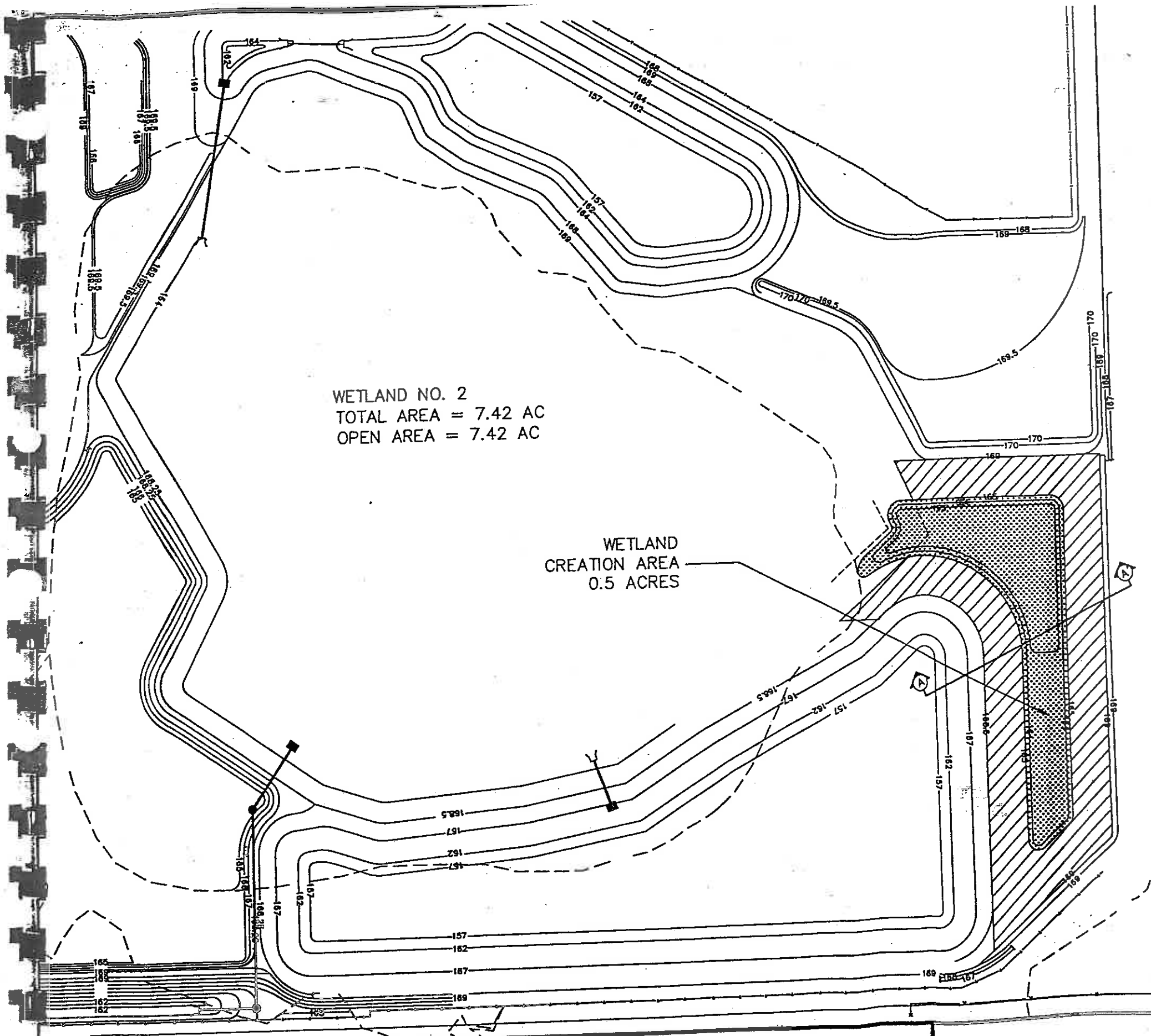
IMPACT AREA=0.61 AC.

BELLAMY FORGE
CONDOMINIUMS

WETLAND IMPACT AREA

Figure 2-1
Proposed Wetland Impacts
Magnolia Parke East
Gainesville, FL

Creative Environmental Solutions, Inc.
928 NW 16th Avenue, Suite 1
Gainesville, FL 32601
PHONE: (352) 371-4333
FAX: (352) 371-0020



WETLAND NO. 2
 TOTAL AREA = 7.42 AC
 OPEN AREA = 7.42 AC

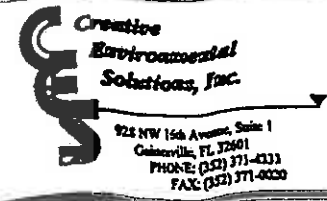
WETLAND
 CREATION AREA
 0.5 ACRES

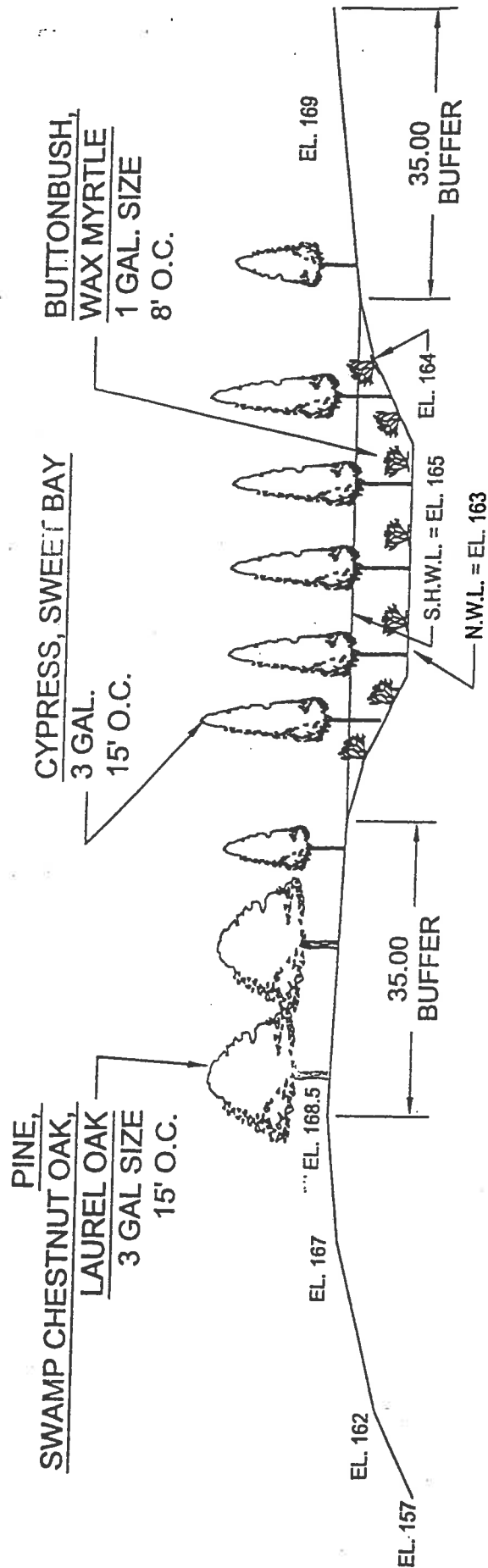
LEGEND

ELEVATION	PLANTS	AREA	PLANT SCHEME	# OF PLANTS
Varies 164-165 (Buffer)	PINE, SWAMP CHESNUT OAK, LAUREL OAK	34055.36 S.F.	15' ON CENTER	136
164-163	CYPRESS SWEET BAY	21048.06 S.F.	15' ON CENTER	94
164-163	BUTTONBUSH WAX MYRTLE	21048.06 S.F.	8' ON CENTER	329
TOTAL AREA 1.29 ACRES				

WETLAND NO. 13

Figure 2-2
 Wetland Creation Area-1 (Plan View)
 Magnolia Parke East
 Gainesville, Florida





SECTION A'
N.T.S.

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Figure 2-3
Proposed Wetland Creation Area-1 (Profile View)
Magnolia Parke East
Gainesville, FL

CES

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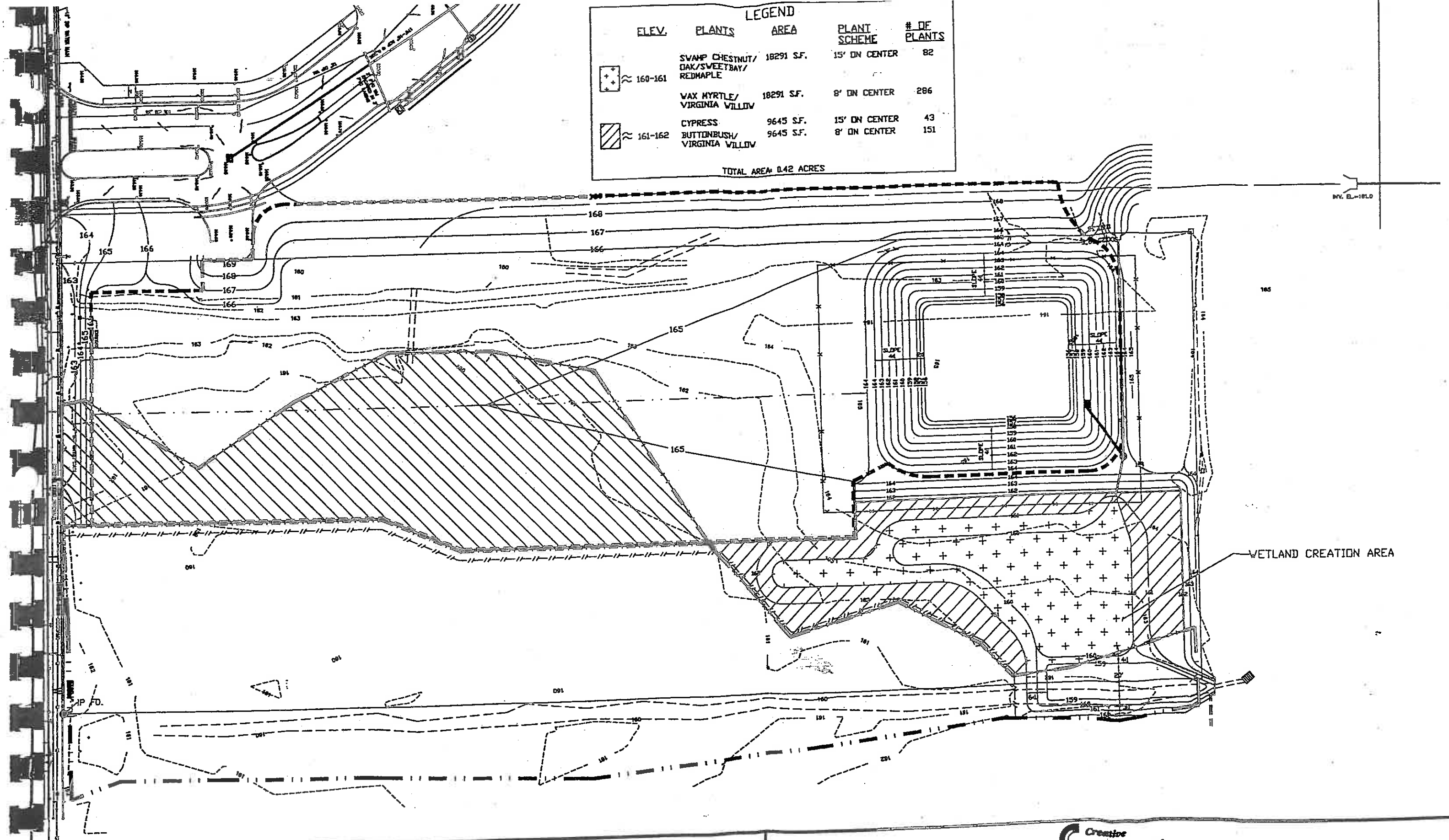


Figure 2-4
Wetland Creation Area-2 (Plan View)
Magnolia Parke East
Gainesville, FL

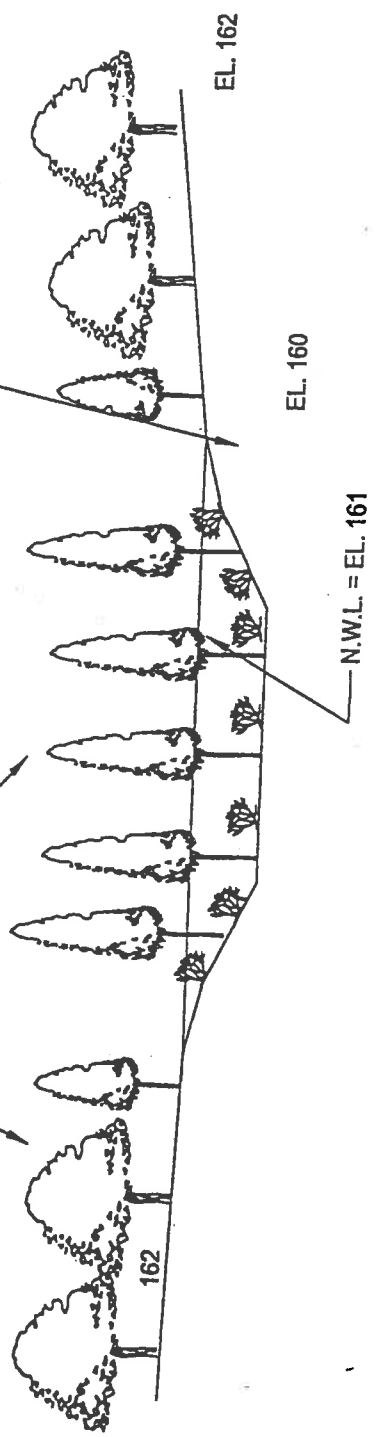
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SWAMP CHESTNUT OAK,
SWEETBAY
RED MAPLE
 3 GAL SIZE
 15' O.C.

CYPRESS
 3 GAL.
 15' O.C.

BUTTONBUSH,
VIRGINIA WILLOW
 1 GAL. SIZE
 8' O.C.



A SECTION A'
 N.T.S.

Figure 2-5
 Proposed Wetland Creation Area-2 (Profile View)
 Magnolia Parke East
 Gainesville, FL

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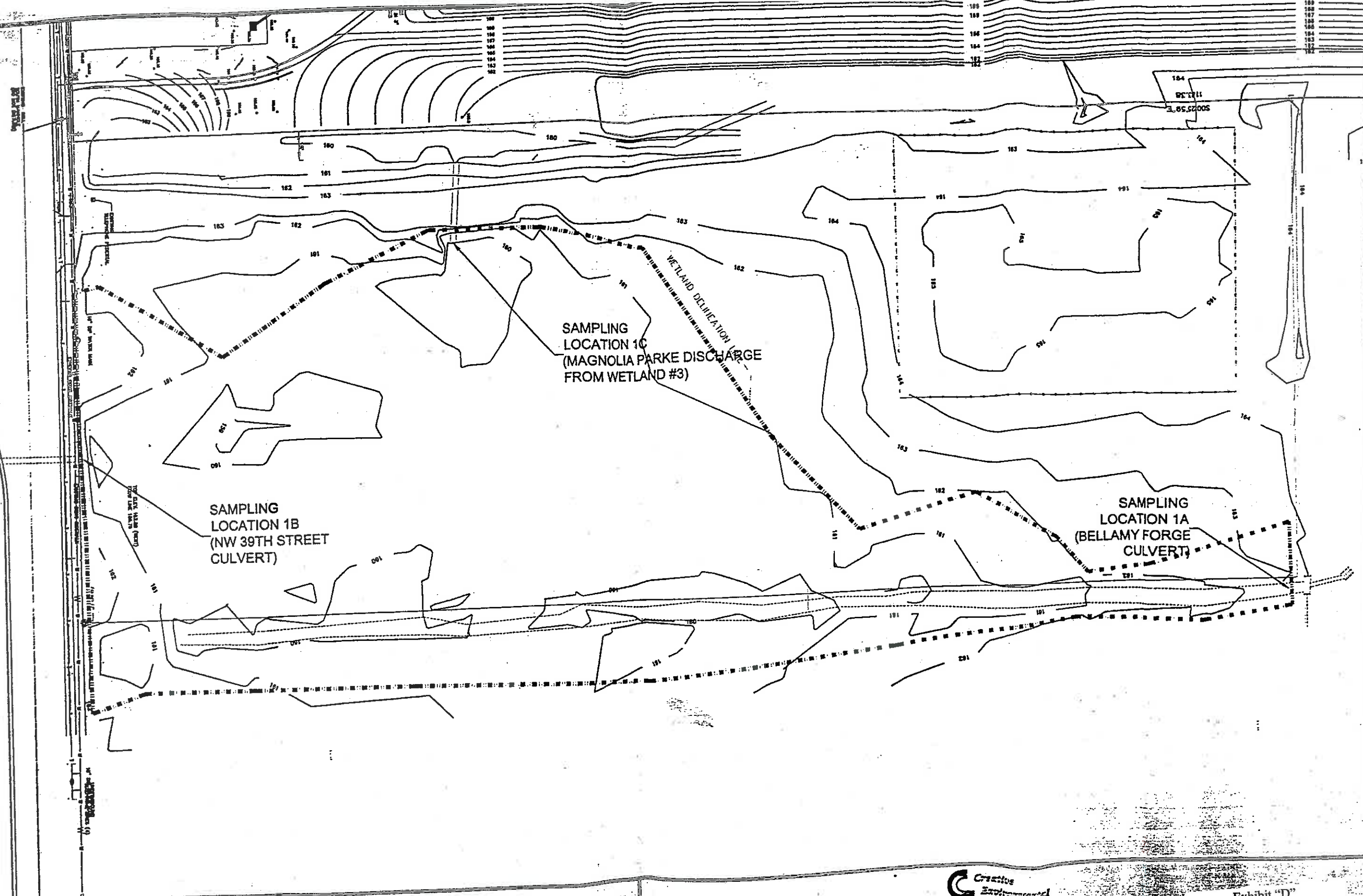


Figure 2-6
 Surface Water Sampling Locations
 Magnolia Parke East
 Gainesville, FL

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Table 2-1. Surface Water Sampling Results for Magnolia Parke East

Parameters	Units	EPA Benchmark Level * NURP	1/18/99 Sample @ Culvert 39th	1/18/99 Sample @ Bellamy Forge Discharge	1/18/99 Sample @ Magnolia Parke Discharge
Biochemical Oxygen Demand	mg/L	30	9.4	3.1	N/A
Chemical Oxygen Demand	mg/L	120	64	23	N/A
Kjeldahl Nitrogen	mg/L	N/A	1.16	.55	N/A
Nitrate/Nitrite	mg/L	0.68	0.070	0.540	N/A
Oil and Grease	mg/L	15	<5.0	<5.0	N/A
PH	std units	6.0-9.0 s.u.	6.0	7.4	N/A
Total Phosphorous	mg/L	2.0	1.13	0.156	N/A
Total Suspended Solids	mg/L	100	13	11	N/A
Arsenic, Total	ug/L	168.5	<2.0	<2.0	N/A
Barium, Total	ug/L	N/A	8.8	9.2	N/A
Cadmium, Total	ug/L	15.9	<0.20	<0.20	N/A
Chromium, Total	ug/L	N/A	<5.0	<5.0	N/A
Lead, Total	ug/L	81.6	6.0	4.2	N/A
Mercury, Total	ug/L	10002.4	<0.10	<0.10	N/A
Selenium, Total	ug/L	238.5	<3.0	<3.0	N/A
Silver, Total	ug/L	31.8	<0.10	<0.10	N/A

Source: * USEPA- Results of the Nationwide Urban Runoff Program, December 1983.

Table 2-2. Surface Water Sampling Results for Magnolia Parke East

Parameters	Units	EPA Benchmark Level,* NURP	2/4/99 Sample @ Culvert 39th	2/4/99 Sample @ Bellamy Forge Discharge	2/4/99 Sample @ Magnolia Parke Discharge
Biochemical Oxygen Demand	mg/L	30	10.9	<2.0	<2.0
Chemical Oxygen Demand	mg/L	120	105	24	45
Kjeldahl Nitrogen	mg/L	N/A	2.02	0.91	0.47
Nitrate/Nitrite	mg/L	0.68	.007	0.893	0.028
Oil and Grease	mg/L	15	<5.0	<5.0	<5.0
PH	std units	6.0-9.0 s.u.	6.4 s.u.	6.4 s.u.	6.0 s.u.
Total Phosphorous	mg/L	2.0	1.40	0.038	0.412
Total Suspended Solids	mg/L	100	34	6	16
Arsenic, Total	ug/L	168.5	<2.0	<2.0	<2.0
Barium, Total	ug/L	N/A	14.6	10.4	19.5
Cadmium, Total	ug/L	15.9	<0.20	<0.20	<0.20
Chromium, Total	ug/L	N/A	<13.0	<13.0	<13.0
Lead, Total	ug/L	81.6	8.0	4.8	4.8
Mercury, Total	ug/L	10002.4	<0.1	<0.1	<0.1
Selenium, Total	ug/L	238.5	<3.0	<3.0	<3.0
Silver, Total	ug/L	31.8	0.37	0.22	0.28

Source: * USEPA - Results of the Nationwide Urban Runoff Program, December 1983

3.0 MONITORING PROGRAM

Monitoring of the created wetlands will be performed for five years. Monitoring during years 1 and 2 will be quarterly. Monitoring during year 3 will be semi-annually. Monitoring during years 4 and 5 will be annually. Subsequent to the construction of the created wetlands, monitoring transects will be established in as shown in Figures 3-1 and 3-2. The purpose of the transects will be to provide a basis for the observation of changes in wetland species over time and to document the status of noxious/exotic species within the systems. The transect will be staked, surveyed, and photographed to assure the continuity of the observations. Survey elevations and locations will be relative to msl. A typical photographic station will include fixed polyvinyl chloride (PVC) pipes as range poles.

In addition to the transects, two staff gages will be installed to record water level changes in the wetlands over time. The staff gages will be installed in the locations shown in Figures 3-1 and 3-2 and will be referenced to msl. Water levels will be recorded monthly for the first year of restoration/creation and quarterly thereafter to coincide with seasonal variations.

During each monitoring event, changes in the systems species composition will be recorded by direct visual observation using a 1 meter quadrant and by photographic record. Quadrant sampling will be conducted every 20-25 feet along each transect. A minimum of 10 % of the mitigation area will be sampled. Written reports of each event will be submitted to the appropriate agencies within 30 days of each monitoring event.

4.0 MAINTENANCE

The created wetlands and sedimentation basin will be maintained quarterly during the first two years to ensure less than 10 % coverage of nuisance or noxious species. Should the wetlands support more than 10% coverage of either nuisance or noxious species during any of the monitoring or maintenance events, these species will be removed or treated with an approved herbicide to control their recurrence. If such actions are taken, the permitting agency will be notified within 30 days of the work. Also documented will be the apparent cause of the invasion by nuisance/noxious species and a revised schedule of hand clearing and/or herbicide applications. Subsequent maintenance will be conducted semi-annually in the third year and annually in years four and five.

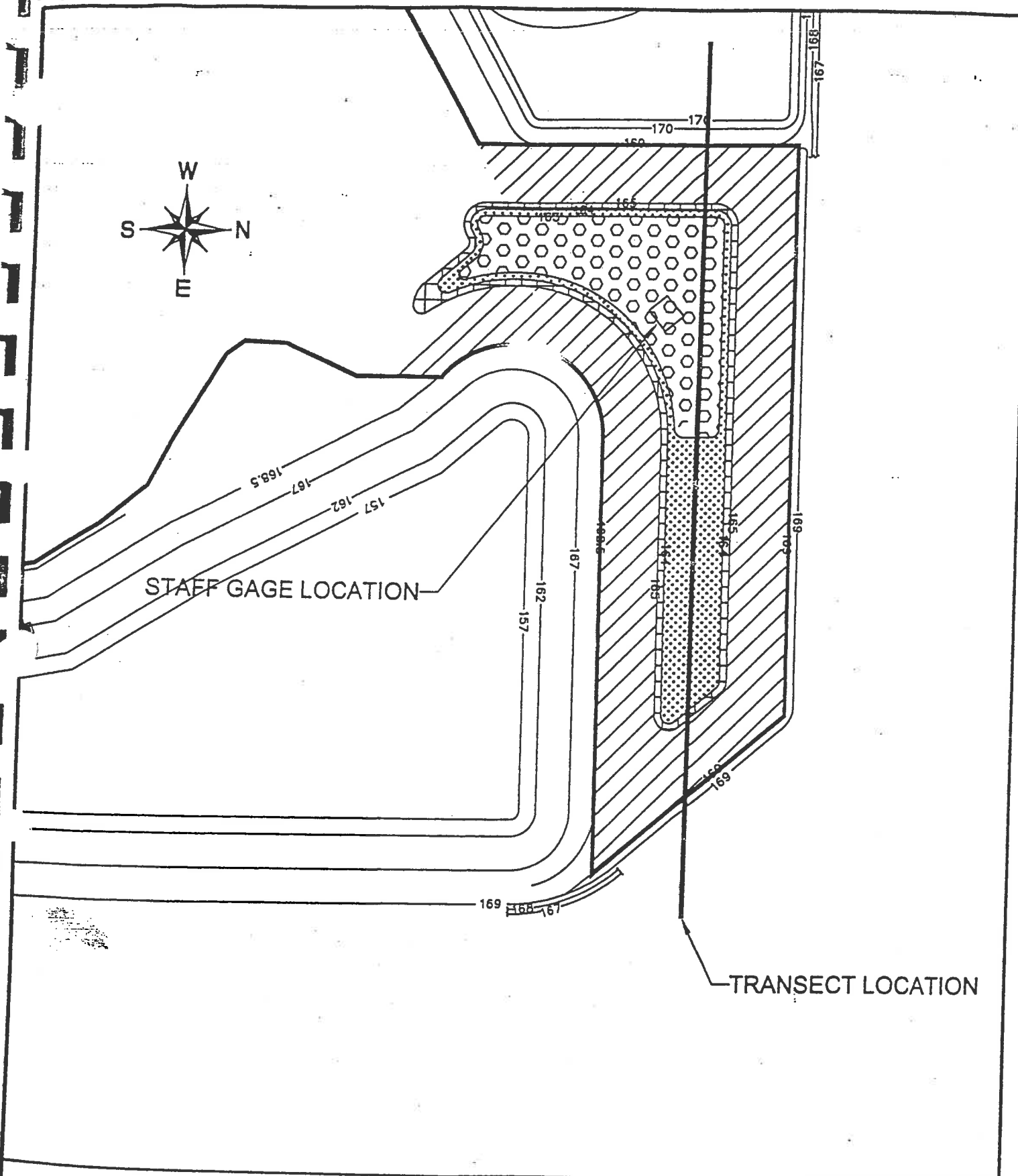


Figure 3-1
 Wetland Creation Area-1
 Monitoring Location
 Magnolia Parke East
 Gainesville, FL

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