

1 **WHEREAS**, notice has also been given by mail to the owner whose property will be
2 regulated by the adoption of this Ordinance, thirty days prior to the date of the public hearing of
3 this ordinance; and

4 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
5 described at which hearings the parties in interest and all others had an opportunity to be and were, in
6 fact, heard.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by
10 rezoning the following described property from the zoning category of " I-2: General
11 industrial district" to the zoning category of "Planned Development District";

12 See Exhibit "A" attached hereto and made a
13 part hereof as if set forth in full.
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15 **Section 2.** The City Manager or designee is authorized and directed to make the
16 necessary change in the Zoning Map Atlas to comply with this Ordinance.

17 **Section 3.** The Development Plan attached to this Ordinance which consists of the
18 following:

- 19 1. the development plan report entitled "Grace Marketplace", dated
20 November 10, 2009, last revised on August 31, 2010, attached and identified as
21 Exhibit "B"; and
- 22 2. development plan maps consisting of two sheets: 1) "Existing Conditions Map",
23 dated November 4, 2009; and 2) "Planned Development Layout Map" dated November

1 10, 2009, last revised September 2, 2010; identified as Exhibit "C"; are incorporated and
2 made a part of this Ordinance as if set forth in full.

3 The terms, conditions, and limitations of the Development Plan shall regulate the use and
4 development of the land described herein zoned to the category of Planned Development
5 District as provided in Chapter 30, Land Development Code of the City of Gainesville
6 (hereinafter referred to as "Land Development Code"). In the event of conflict between
7 the provisions of the development plan report (Exhibit "B") and the development plan
8 maps (Exhibit "C"), the provisions, regulations, and restrictions of the development plan
9 maps (Exhibit "C") shall govern and prevail.

10 **Section 4.** Any provision of this Ordinance to the contrary notwithstanding, the following
11 additional conditions, restrictions and regulations shall apply to the development and use of the land:

- 12 1. This Ordinance does not eliminate the necessity to obtain any required federal, state, local
13 and special district authorizations prior to the start of any development activity.
- 14 2. Except as expressly provided herein, the use, regulations and development of the property
15 shall be governed as if this land were zoned "OF: General office district", all development
16 shall be in conformance with and regulated by the Land Development Code.
- 17 3. All signage associated with this Planned Development shall be regulated by the City of
18 Gainesville Land Development Code.
- 19 4. At the time of development plan review, the owner/developer shall provide, at its own
20 cost and expense, a traffic study prepared by a licensed professional engineer acceptable to
21 the City. Any traffic modifications required due to operational or safety issues are the
22 owner/developer's responsibility, and these shall not count towards meeting Concurrency
23 Management Element Policy 1.1.6 standards. If the Planned Development is developed in
24 phases, each development phase will require submittal of a traffic study for development
25 plan approval.
- 26 5. The development review board is the appropriate reviewing board for development plan
27 review associated with this Planned Development.
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- 6. The development of the subject property requires the approval of a subdivision plat which will provide for the provision and construction of rights-of-way and legal access to the subject property. On the subdivision plat, the minimum width of the right-of-way from the subject property to NW 53rd Avenue shall be 100 feet. The minimum width of the right-of-way along the south boundary of the subject property shall be 60 feet.
- 7. Prior to second and final reading of this Planned Development ordinance, the owner shall sign a TCEA Zone B Agreement or TCEA Memorandum of Agreement for the provision of the required Concurrency Management Element Ordinance Policy 1.1.6 standards. At a minimum, the Agreement shall provide for meeting the Phase I standards.
- 8. At preliminary development plan review, the development shall demonstrate multi-modal access to the site via transit, pedestrian, and bicycle modes.
- 9. Permitted uses within the Planned Development shall be those listed in the table in section VII, pages 7-12 of the PD Report (Exhibit "B"). Agricultural uses and the sale of agricultural products and commodities which are raised exclusively on the premises, including retail roadside sales of such products and commodities, are also permitted in accordance with Section 30-72 of the Land Development Code.
- 10. The wetland buffer shall remain undisturbed, including during construction. During preliminary development plan review, measures shall be identified to prevent erosion, sedimentation and encroachment into the wetland buffer areas.
- 11. An internal sidewalk system shall be provided to facilitate internal pedestrian circulation. The sidewalks system shall provide convenient access to all internal active and passive areas and shall be integrated with the external roadway sidewalk system. Alternative paving surfaces shall be allowed for all non-accessible routes.
- 12. The maximum allowable square footage of building area for the entire project is 50,000 square feet. Except as otherwise provided in this ordinance, the square footage of all covered structures counts towards the maximum allowable square footage.
- 13. Driving aisles shall be the minimum that would facilitate safe and efficient movement of vehicles. The actual width will be determined during preliminary development plan review by the development review board.
- 14. Lighting for night operation shall be provided within all vehicular use areas. All lighting shall be consistent with the standards provided in the Land Development Code. Safety lighting shall also be provided for developed areas.

1 15. In order to operate and use this subject property for food distribution, a management and
2 operations plan shall be prepared by the owner/operator.
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4 16. Any area designated as campgrounds shall be adequately buffered and screened from the
5 adjacent right-of-way. Screening shall be a minimum height of six feet and may include
6 but is not limited to a combination of fencing, landscaping or berms. The type of
7 screening shall be approved by the development review board during preliminary
8 development plan review.
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10 17. Tents and campgrounds are only permitted in Development Area B, as shown on the PD
11 Layout Map (Exhibit "C"). A maximum of 100 tents is allowed. The maximum size of
12 any one tent shall not exceed 10 x 12 feet or a maximum floor area of 120 square feet,
13 however larger tents may be approved subject to development plan approval and any
14 regulatory permits as required by Code.
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16 18. The maximum number of meals to non-residents is 500 per day. This number shall not
17 include meals served to residents of the facility. During preliminary development plan
18 review, or upon independent requests, the development review board may authorize a
19 higher limit on the maximum number of meals per day limited to ten specified two-day
20 periods of national holidays or special occasions.
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22 19. Development Area B, as shown on the PD Layout Map (Exhibit "C"), may be used as a
23 camping area, including a bath house, restroom type pavilion and temporary structures,
24 subject to approval by the development review board, and subject to review and approval
25 of a management and operating plan by the development review board. Temporary
26 structures do not require a permanent slab or other permanent support structures or
27 foundations. A maximum of ten "Katrina Cottages" that meet State and local building
28 code requirements may be permitted subject to approval by the development review board
29 as provided in the aforesaid management and operating plan that will include provisions
30 for operations in inclement weather and during natural events, such as flooding or
31 hurricanes. Placement and construction of the "Katrina Cottages" is also subject to the
32 approval by the City's Department of Public Works which shall apply the requirements for
33 development within the FEMA Flood Zone "A" areas.
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35 Temporary Structures are defined to mean structures which are scheduled to be in place
36 for no more than 90 days and do not require a building permit according to the threshold
37 criteria maintained by the City's Building Division.
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39 Katrina Cottages is defined to mean a sturdy structure with a maximum square footage of
40 120 square feet that complies with local, State and Federal building and site regulations,
41 including Water Management District and Federal Emergency Management Agency
42 (FEMA) floodplain requirements.

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2 20. The project shall comply with all landscaping requirements of the Land Development
3 Code. Additionally, the width of street buffers along the south part of the property for
4 Development Area "B" shall be a minimum of 15 feet and shall include double the amount
5 of the street buffer landscape requirement for type E buffers, as defined in Sec. 30-253, of
6 the Land Development Code. During preliminary development plan review, the
7 development review board may vary the street buffer requirement based on a showing that
8 the interior design and need for buffering from adjacent industrial uses is not necessary.
9 All wetland areas shall comply with the minimum 50 foot buffer requirement. All FEMA
10 flood plain areas shall be developed in accordance with standards established by Public
11 Works and shall be required during development plan review.
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- 13 21. Development Area "A", as shown on the PD Layout Map (Exhibit "C") shall have either a
14 minimum of 10,000 square feet of usable open space or a ratio of 50 square feet of usable
15 open space per bed, whichever requirement is greater. Such usable open space may
16 qualify for the required 20% open space, provided: 1) the space is within close proximity
17 to the active areas; 2) the space is accessible to residents; and 3) the space qualifies as
18 usable open space, subject to review and approval by the development review board.
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- 20 22. The proposal to implement wetland impacts shall only be applicable to the southwest area
21 of the site in order to provide access to the subject parcel and surrounding parcels. If the
22 City Commission authorizes the general request to allow mitigation, approval of the
23 details of avoidance, minimization and mitigation shall be determined by the reviewing
24 body during development plan review. The City Commission finds that the Planned
25 Development meets the standards for avoidance through minimization as provided in § 30-
26 302.1 of the Land Development Code. The owner/developer shall submit a mitigation
27 plan that complies with §30- 302.1, subject to approval by the development review board
28 during development plan review.
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- 30 23. Wetland impacts on the subject property are addressed in the Development Plan and
31 Condition 22 but impacts may extend to wetlands outside the boundaries of this Planned
32 Development. Any wetland impacts or considerations of wetland issues outside the
33 boundaries of the subject property shall be addressed separately at the time of
34 development plan review as provided in the Land Development Code. Prior to
35 undertaking any development involving off-site wetland impacts, the owner/developer
36 shall obtain appropriate approvals and development permits subject to approval by the
37 development review board.
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- 39 24. During preliminary development plan review, the owner/operator shall present a plan
40 illustrating internal access to the site and internal circulation addressing vehicle, bicycle
41 and pedestrian circulation. The plan shall be subject to review and approval by the
42 development review board.

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2 25. In order to accommodate this planned development, the rights-of-way serving the subject
3 property shall include bicycle and pedestrian circulation facilities up to NW 53rd Avenue,
4 provided at the sole cost and expense of the owner/developer. The minimum width of the
5 sidewalk shall be six feet.
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- 7 26. The number of required parking spaces for the uses related to housing, food distribution
8 and social service uses is based on one parking space for every two employees plus one
9 per six beds. Parking for the medical and office uses is one per two employees. All other
10 uses shall provide parking based on the proposed use and the standards required in the
11 Land Development Code. Bicycle and motorcycle parking shall be in accordance with the
12 Land Development Code. During preliminary development plan review, the development
13 review board may require additional bicycle and motor cycle parking based on
14 compatibility with the uses and operational demands of the planned development.
15
- 16 27. Required off-street parking for the planned development shall be paved hard surface in
17 accordance with the Land Development Code. During preliminary development plan
18 review, the owner/developer may propose a maximum of 100 parking spaces as temporary
19 overflow unpaved parking required for special occasions or unforeseen circumstances.
20 Such unpaved parking shall not diminish the required open space or reduce the
21 infrastructure commonly required for normal operations. The driveway aisles for all
22 unpaved parking may be required to be paved by the development review board during
23 preliminary development plan approval. Overflow or temporary parking may be provided
24 on stabilized pervious areas, subject to approval of the development review board. Such
25 parking shall be accessible by impervious driveway aisles unless otherwise approved by the
26 development review board. If the overflow or temporary parking degrades the surface,
27 the development review board may require the temporary unpaved parking to be hard
28 surface parking. The landscaping requirements, specifically the buffering and street
29 buffers, shall apply to such temporary parking areas. The location of temporary parking
30 spaces shall not be permitted where such spaces may damage or impede the growth of
31 regulated trees.
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- 33 28. At preliminary development plan review, the owner/developer shall coordinate with the
34 Regional Transit System for the construction and maintenance of a bus shelter to serve the
35 development. The management and operating plan shall include a transportation program
36 to provide transit service for persons utilizing the planned development. The planned
37 development shall accommodate a bus stop at the entrance to the property on NW 53rd
38 Avenue, at such time as transit service is available to the site. The bus shelters associated
39 with this development shall be architecturally consistent with the development and shall be
40 designed to provide shelter from the elements.
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1 29. At the time of preliminary development plan review, the owner/developer shall file with
2 the City an application for a Certificate of Final Concurrency.
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4 30. The planned development approved by this ordinance is valid for a period of five years
5 from the date of final adoption of this Ordinance. The City Commission may grant an
6 additional one-time extension, provided a written request, expressing the need and
7 showing good cause, is filed in writing with the Clerk of the Commission at least 30 days
8 prior to the expiration date. The City Commission shall be the sole arbiter of need and
9 good cause and its decision shall be final. The development order approval by this
10 Ordinance shall expire and be deemed null and void after the five year period unless an
11 extension is granted by the City Commission. In the event a building permit is issued but
12 the development or portion of the development fails to proceed to completion with due
13 diligence and in good faith resulting in the expiration of a building permit or other
14 development order, then this development order shall expire and be deemed null and void
15 after the expiration of five years from the date of final adoption of this Ordinance.
16 Preliminary development plan approval for the building(s) and related development to
17 accommodate housing or food distribution shall be obtained within three years of the date
18 of final adoption of this Ordinance. If any time period expires with no extension being
19 requested or granted, then the City will initiate a petition to designate other appropriate
20 zoning consistent with the Comprehensive Plan.
21

22 **Section 5.** Any person who violates any of the provisions of this ordinance shall be deemed
23 guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided by
24 section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
25 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
26 offense.

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

1 **Section 7.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
2 the application hereof to any person or circumstance is held invalid or unconstitutional, such
3 finding shall not affect the other provisions or applications of the ordinance which can be given
4 effect without the invalid or unconstitutional provisions or application, and to this end the
5 provisions of this ordinance are declared severable.

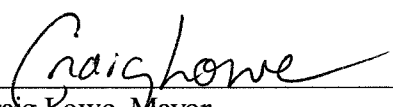
6 **Section 8.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
7 conflict hereby repealed.

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


PASSED AND ADOPTED this 7th day of October, 2010.



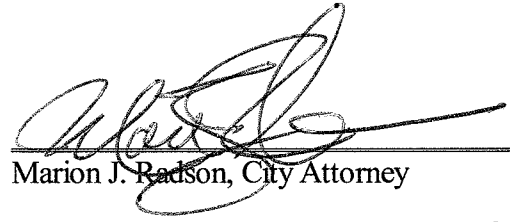
Craig Lowe, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Kurt Lannon,
Clerk of the Commission



Marion J. Radson, City Attorney

OCT -7 2010

This ordinance passed this 7th day of October, 2010.

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