



City of Gainesville  
Department of Doing  
Planning Division

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## CITY PLAN BOARD STAFF REPORT

**PUBLIC HEARING DATE:** November 29, 2018

**ITEM NO:** 1

**PROJECT NAME AND NUMBER:** Streit's Rezoning, PB-18-125 ZON

**APPLICATION TYPE:** Rezoning from General Business (BUS) to Automotive-Oriented Business (BA) to allow vehicular sales with outdoor display and vehicle repair. **Quasi-Judicial.**

**CITY PROJECT CONTACT:** Bedez E. Massey, Planner

**RECOMMENDATION:** Approve

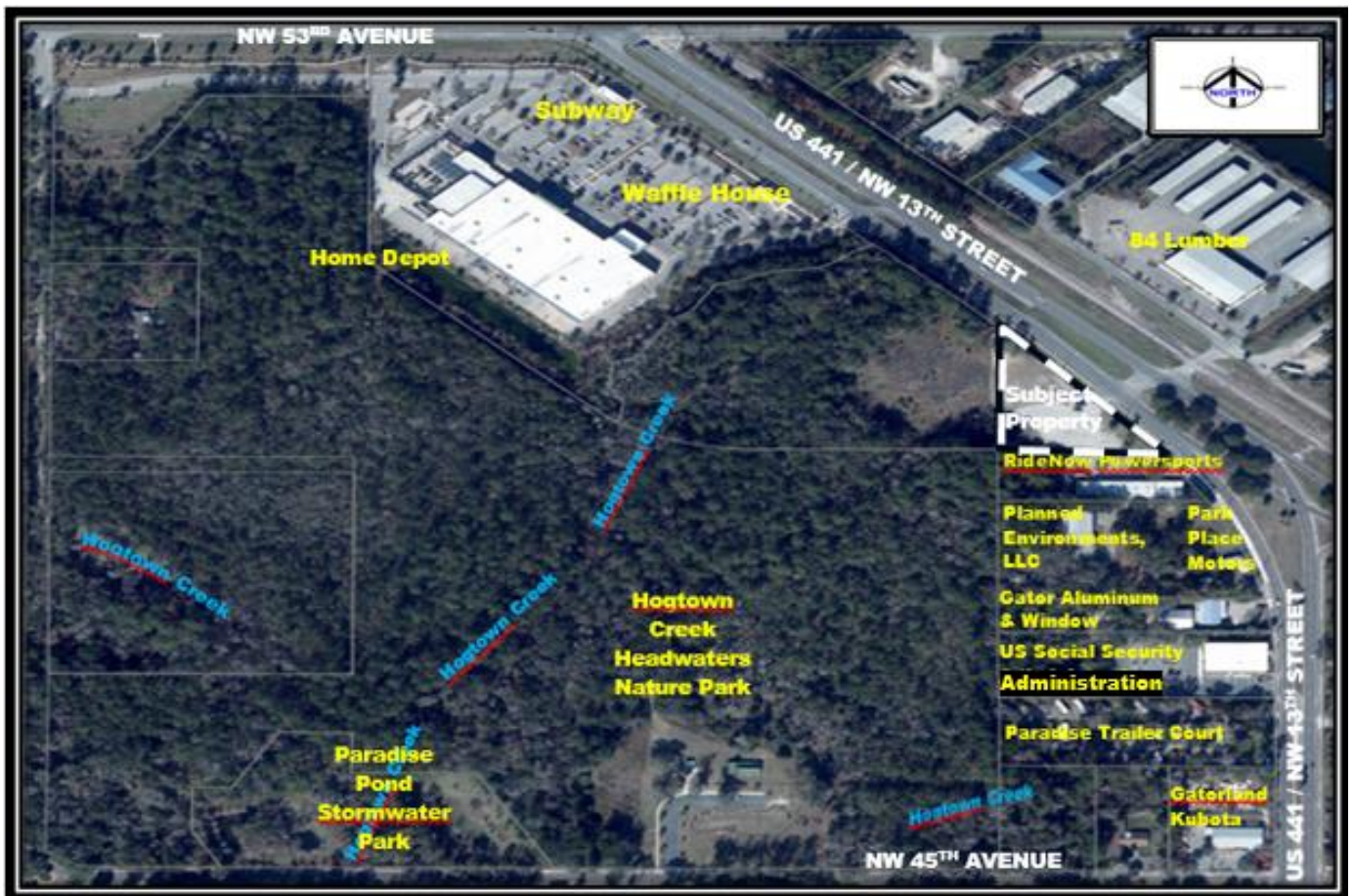


Figure 1: Location Map

**APPLICATION INFORMATION:**

**Agent/Applicant:** JBrown Professional Group, Inc.

**Property Owner(s):** Streit's Inc.

**Related Petition(s):** None.

**Legislative History:** Petition PZ-09-59 LUC: City of Gainesville Parks, Recreation, and Cultural Affairs, agent for City of Gainesville. Amend the City of Gainesville Future Land Use Map from Commercial, Single-Family (up to 8 units per acre), Residential Low-Density (up to 12 units per acre) and Residential Medium-Density (8-30 units per acre) to Conservation. Located at 1500 Northwest 45<sup>th</sup> Ave. Tax parcel No. 07883-010-004, 07883-010-005. Related to PZ-09-60 ZON.

*Staff to City Plan Board on June 25, 2009 - Approve*

*City Plan Board Recommendation June 25, 2009 - Approve. Ackerman abstained (Vote: 4-0)*

*City Commission Action on December 17, 2009 - Ordinance No. 090199 passed and adopted.*

Petition 119SUB-06DB: CPH Engineers, Inc., agent for Harman & Hartman Home Depot. A minor subdivision of Tax Parcel No. 07883-000-000 and Tax Parcel No. 07883-001-000 into five lots. Located at 1500 NW 45<sup>th</sup> Avenue.

*City Staff Final Approval on July 20, 2007.*

Petition 99SPL-06DB: Larry Diehl, agent for Home Depot Development plan review to construct a building supply store. Zoned: BUS (General Business District). Located on the southwest corner of US 441 and NW 53<sup>rd</sup> Avenue.

*Staff- to City Plan Board on August 24, 2006 - Approve with staff conditions and recommendations*

*City Plan Board Action on August 24, 2006 – Approve with staff conditions and a recommendation to include stormwater retention (Vote: 6-0)*

**Neighborhood Workshop(s):** Friday, August 24, 2018

**SITE INFORMATION:**

**Address:** Just north of 4920 NW 13<sup>th</sup> Street  
**Parcel Number(s):** 07883-011-000  
**Acreage:** ±1.94  
**Existing Use(s):** Vacant  
**Land Use Categories:** Commercial (C)  
**Zoning Categories:** General Business (BUS)  
**Overlay District(s):** Gateway Street; Wellfield Tertiary Zone  
**Transportation Mobility Program Area (TMPA):** Zone B  
**Census Tract:** 12.03  
**Water Management District:** St. Johns River Water Management District  
**Special Feature(s):** None  
**Annexed:** 1992  
**Code Violations:** There are no open cases.

**PURPOSE AND DESCRIPTION:**

The subject property consists of ± 1.94 acres located on the west side of NW 13<sup>th</sup> Street (US 441), just north of NW 45<sup>th</sup> Avenue (see Figure 1). Although the subject property is currently vacant, City records indicate that it was once part of a mobile home dealership. Existing features on the subject property include a two-directional driveway connection to NW 13<sup>th</sup> Street (US 441) – a Gateway Street; a paved vehicular use area; and some vegetation. Public services, such as solid waste collection, fire, police, and utilities, are also available. The subject property is also located within the Tertiary Zone of the Alachua County Wellfield District and the Headwaters of Hogtown Creek (see Figures 2 and 3).

This application is a request to rezone the subject property from General Business (BUS) to Automotive-Oriented Business (BA), as shown in Table 1 and Figures 4 and 5. Since the BA zoning district is allowable within the underlying Commercial (COM) land use category on the subject property, a companion land use amendment is not necessary.

Unlike the General Business (BUS) zoning district, the Automotive-Oriented (BA) zoning district allows vehicle sales (with outdoor display) and vehicle repair (see Exhibit B-1). According to the applicant’s submittal letter, these uses are required to expand the abutting RideNow Powersports business on the south onto the subject property. A concept site plan of the proposed expansion is located in Appendix E, along with the applicant’s rezoning report and other related documents.

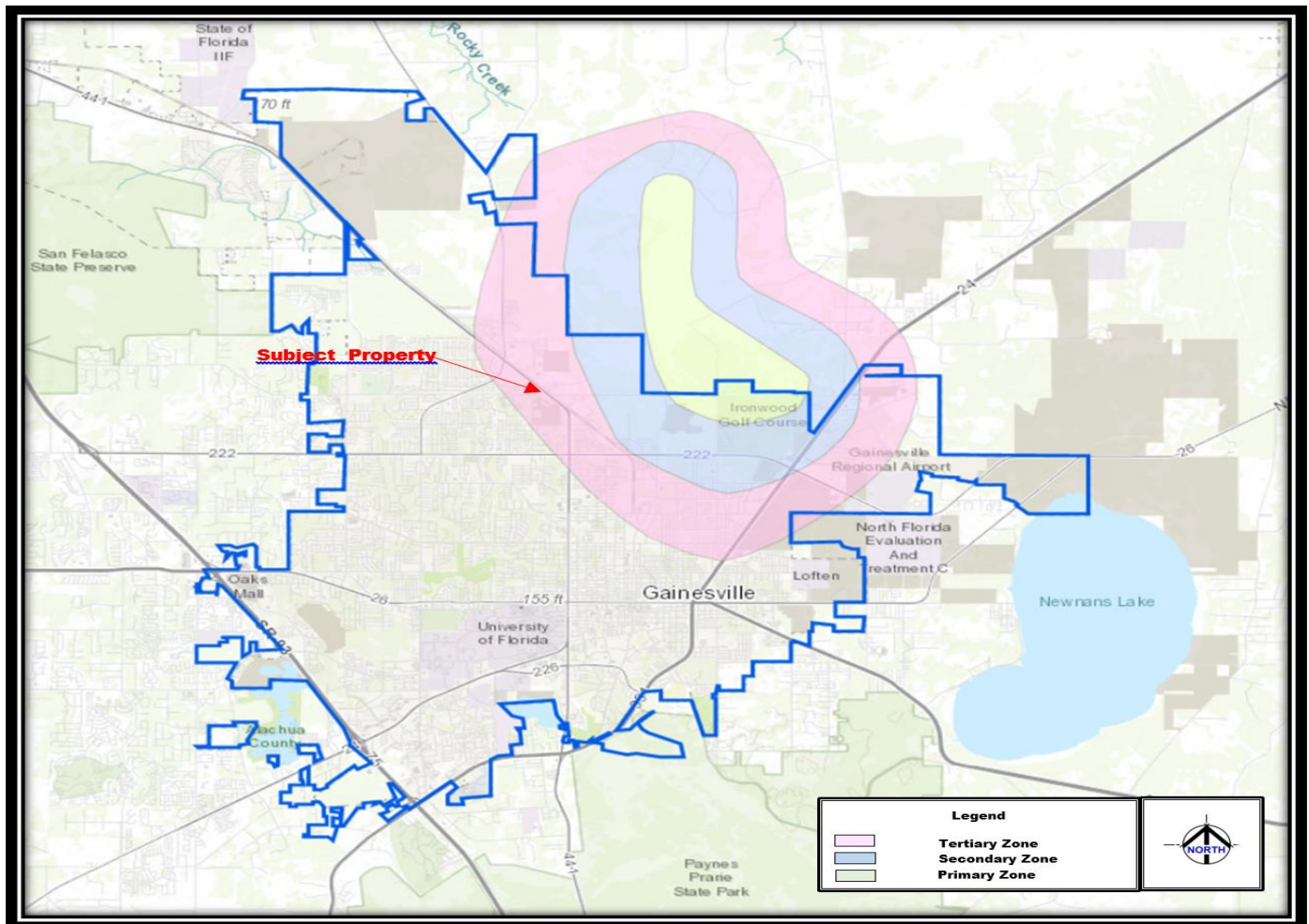
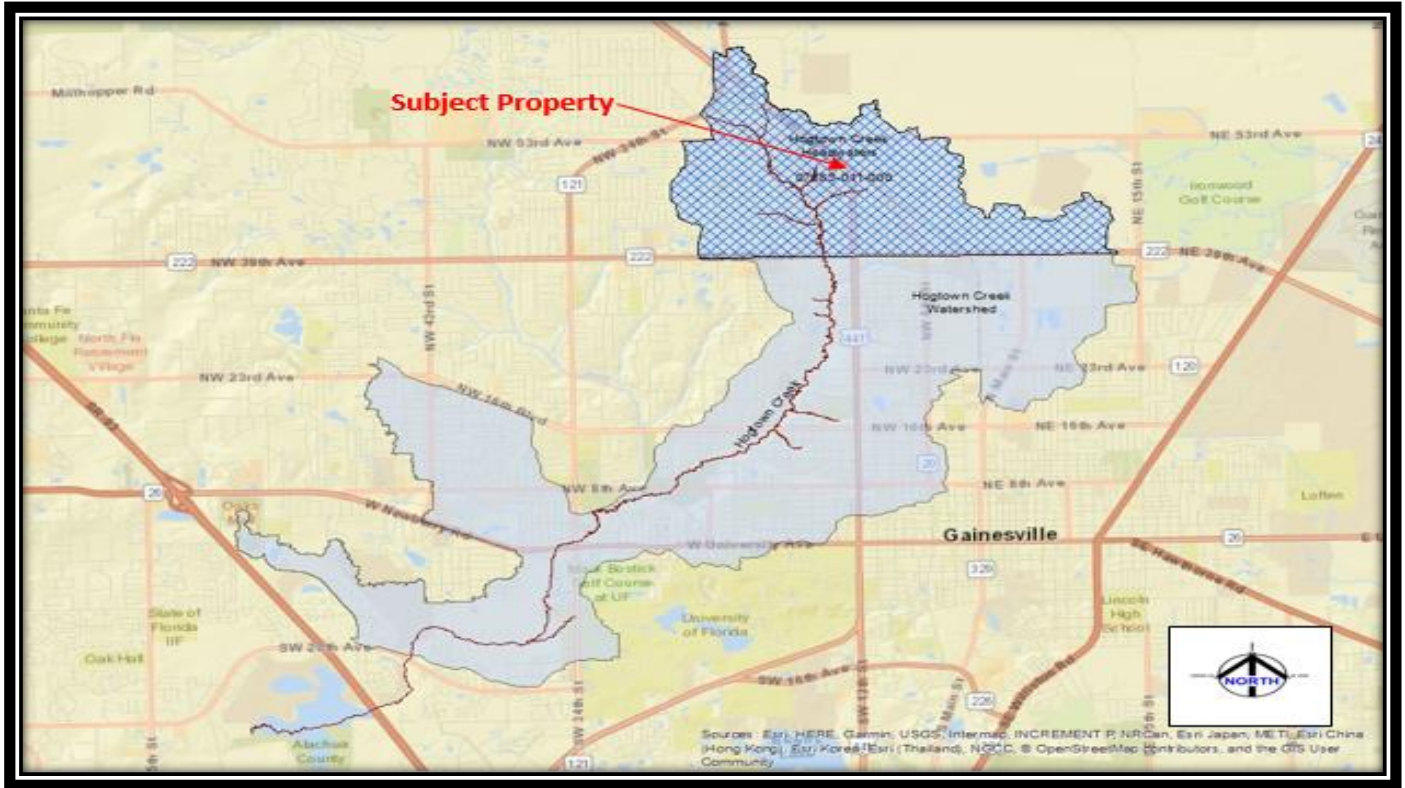


Figure 2. Alachua County Wellfield Districts



Source: Alachua County Department of Environmental Protection

Figure 3. Hogtown Creek Headwaters



Figure 4. Existing Zoning District

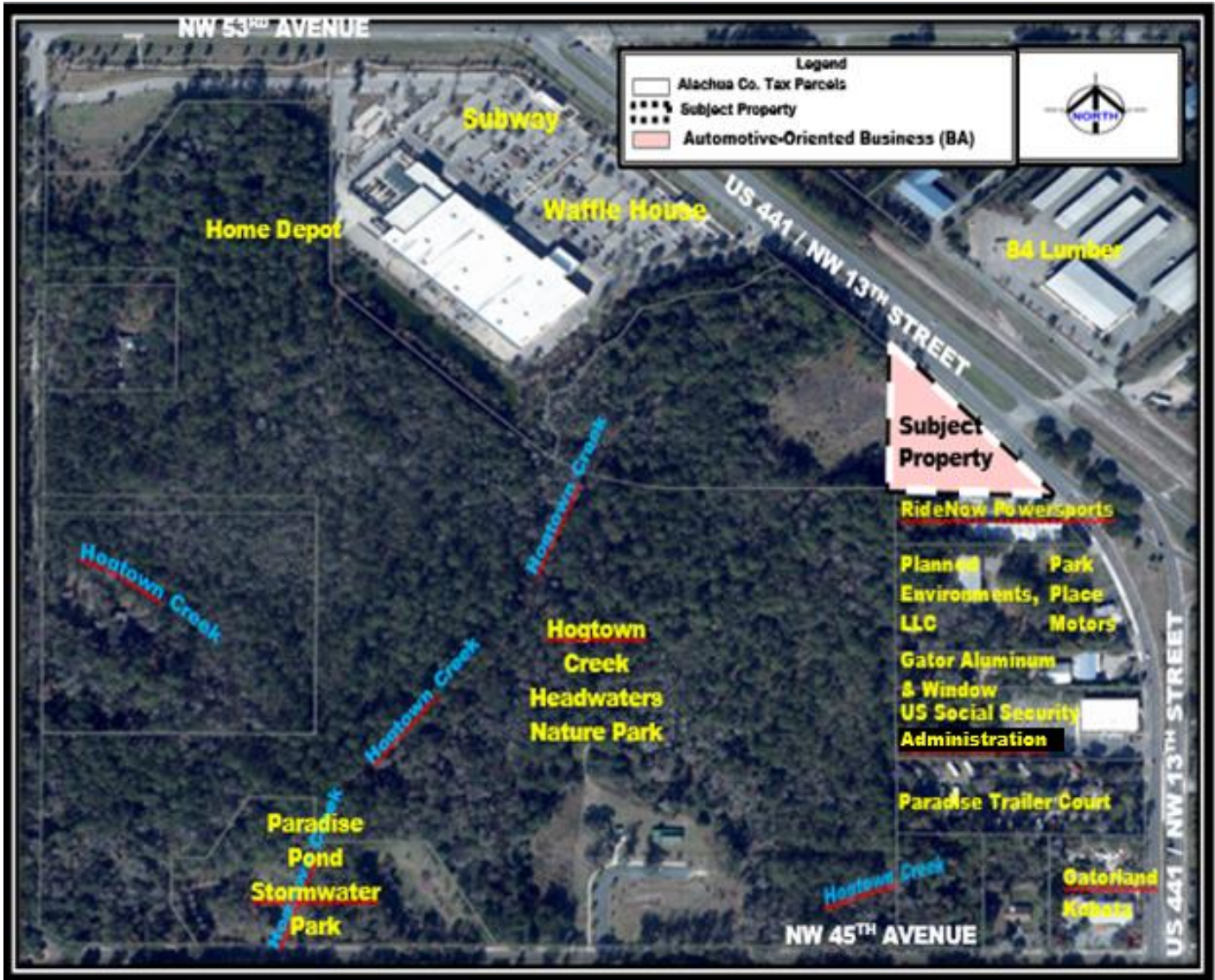


Figure 5. Proposed Zoning District

Table 1. Proposed Zoning Change (in acres)

Zoning Category	Description	Existing Acres	Proposed Acres
BUS	General Business	±1.94	0
BA	Automotive-Oriented Business	0	±1.94
<b>Total Acres</b>		±1.94	±1.94

Note: The data in Table1 was obtained from the following sources: City of Gainesville, Department of Doing, Geographic Information Systems (GIS), November 2018; and the Alachua County Property Appraiser's Office, November 2018.

**ADJACENT PROPERTY CHARACTERISTICS:**

The subject property lies adjacent to non-residential land uses, which are identified below in Table 2 and Figure 6. NW 13<sup>th</sup> Street (U.S. 441) is a State-maintained arterial that includes lighting, sidewalks, bike lanes and Regional Transit System (RTS) bus service (Route 6). Other public services available to the subject property include solid waste collection, fire, police, and utilities.

**Table 2. Existing Land Use Categories and Zoning Districts**

	<b>EXISTING USE(S)</b>	<b>LAND USE</b>	<b>ZONING</b>
<b>North</b>	NW 13 <sup>th</sup> Street (U.S. 441) Right-of-Way	N/A	N/A
	84 Lumber Yard/Mill	Industrial (IND)	General Industrial (I-2)
<b>South</b>	RideNow Powersports	Commercial (COM)	Automotive-Oriented Business (BA)
<b>East</b>	NW 13 <sup>th</sup> Street (U.S. 441) Right-of-Way	N/A	N/A
	84 Lumber Yard/Mill	Industrial (IND)	General Industrial (I-2)
<b>West</b>	Hogtown Creek Headwaters Conservation Easement / Nature Park / Open Space	Conservation (CON)	Conservation (CON)

Note: The data in Table 2 was obtained from the following sources: City of Gainesville, Department of Doing, Geographic Information Systems (GIS), November 2018; and the Alachua County Property Appraiser's Office, November 2018.

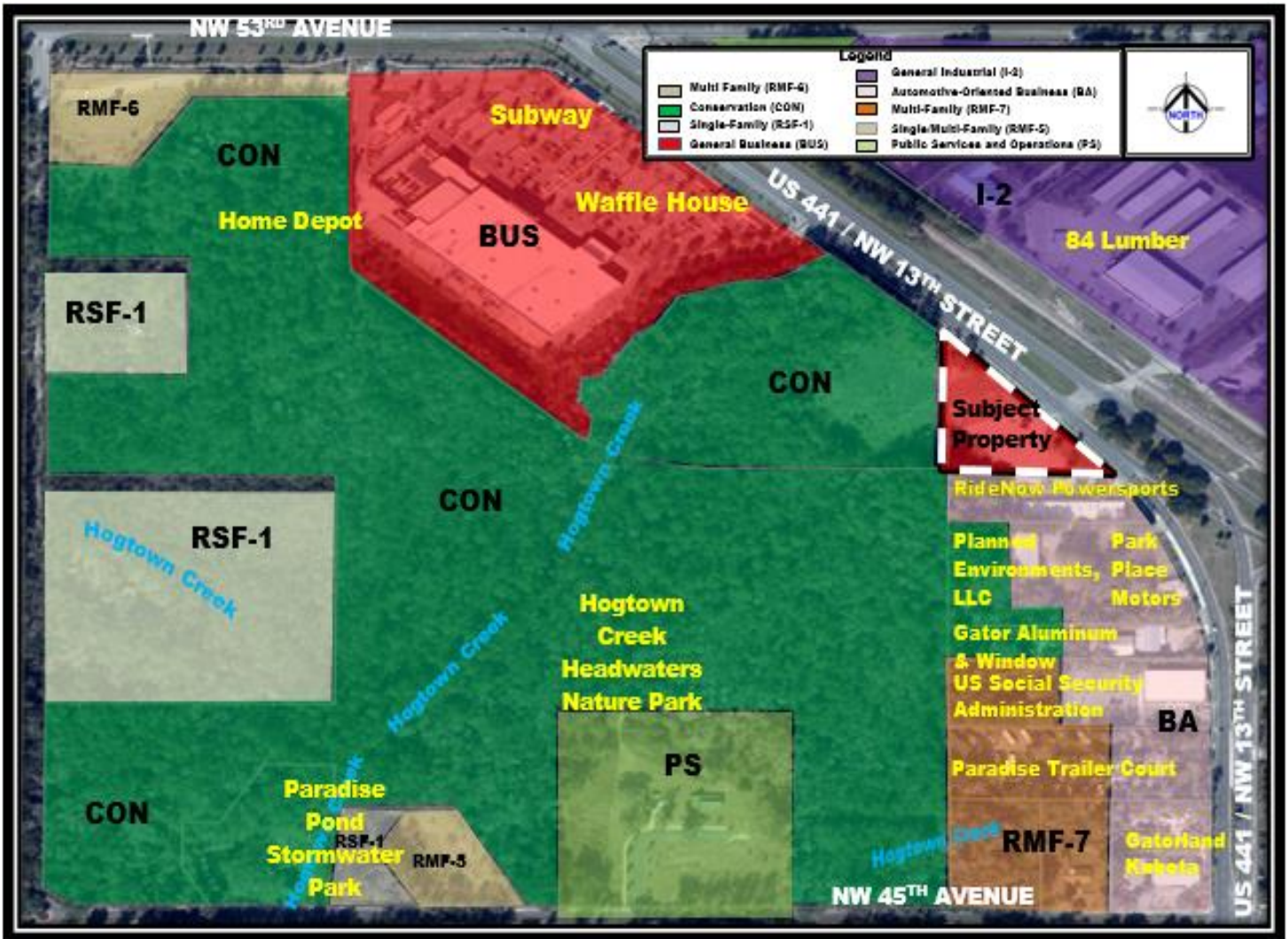


Figure 6. Adjacent Zoning Districts

**STAFF ANALYSIS AND RECOMMENDATION:**

**ANALYSIS**

The analysis of this application is based on the following rezoning criteria, as required in Section 30-3.14 of the City Land Development Code:

**A. Compatibility of permitted uses and allowed intensity and density with surrounding existing development.**

The proposed Automotive-Oriented Business (BA) zoning district permits commercial uses that are primarily involved in automotive sales, services and related activities. The BA zoning district also permits offices, retail sales and other uses commonly associated with automotive-oriented businesses. The vehicle sales (with outdoor display) and vehicle repair proposed on the subject property are among the permitted uses listed in Section 30-4.19. Permitted Uses of the City Land Development Code (see Exhibit B-1). The intensity and

density of residential use is not permitted in the BA zoning district, and there is no maximum building coverage or gross leasable area (GLA).

Existing development that surrounds the subject property consists of a lumber yard/mill that is located to the north and east. Vehicle sales (with outdoor display), vehicle repair, retail sales, office use and a trailer court are located to the south. Conservation land with regulated wetlands and other natural resources, such as Hogtown Creek, abuts on the west. Residential property, along with public property that contains a stormwater facility and public park, are located to the south and west.

The permitted uses of the Automotive-Oriented Business (BA) zoning district are most compatible with existing development located to the south of the subject property that is nonresidential and zoned BA. The uses permitted in the BA zoning district are also compatible with surrounding existing development located to the north and east of the subject property that is zoned General Industrial (I-2), which permits vehicle sales (with outdoor display) and vehicle repair. The applicant and environmental staff of the City Technical Review Committee (TRC) have deferred findings of compatibility between the permitted uses of BA zoning district and the abutting conservation land until development plan review. No incompatibility is expected between the permitted uses of the BA zoning district and other existing surrounding development farther from the subject property that cannot be fully addressed through applicable local, state and federal regulations.

**B. The character of the district and its suitability for particular uses.**

The proposed Automotive-Oriented Business (BA) zoning district is established for commercial property involved in automotive sales, services and related activities. The BA zoning district is also established for property that contains uses commonly associated with automotive-oriented businesses, such as restaurants. The uses that are considered suitable for the BA zoning district are listed in *Section 30-4.19. Permitted Uses* of the City Land Development Code (see Exhibit B-1). Among the listed uses are vehicle sales (with outdoor display) and vehicle repair, which the applicant proposes on the subject property. Variances from the requirements of this section are not allowed.

**C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.**

The Automotive-Oriented Business (BA) zoning district is proposed on the subject property, as shown in Figure 5. NW 13<sup>th</sup> Street (US 441) abuts on the north and east. Property zoned BA abuts on the south. Land that is zoned Conservation (CON) due to wetlands and other regulated natural resources, such as Hogtown Creek, abuts on the west. The location of the proposed zoning district relative to other properties in the surrounding area is also indicated in Table 2 and Figure 6.

**D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.**

The subject property is undeveloped, except for a paved parking area. The proposed Automotive-Oriented Business (BA) zoning district permits a range of large- and small-scale, non-residential uses to help ensure the subject property is used appropriately.

**E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.**

Copies of applicable sections of the City's Comprehensive Plan and Land Development Code are provided in the appendices of the staff report.

**F. The needs of the city for land areas for specific purposes to serve population and economic activities.**

The subject property is currently being used as additional land area for parking at the abutting RideNow Powersports business to the south. However, according to the applicant, future expansion of the business onto the subject property will provide additional jobs for the City.



**G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.**

The environmental significance of the conservation land that abuts the subject property on the west was recently commemorated with a City-sponsored grand opening ceremony for the Hogtown Creek Headwaters Nature Park, located on NW 45<sup>th</sup> Avenue. (See Figure 6.)

**H. The goals, objectives, and policies of the Comprehensive Plan.**

This application is consistent with the Comprehensive Plan, as stated in the finding for each goal, objective and policy listed below. Complete copies of the Comprehensive Plan Elements listed below are provided in Appendix A:

**Future Land Use Element**

**GOAL 1 IMPROVE THE QUALITY OF LIFE AND ACHIEVE A SUPERIOR, SUSTAINABLE DEVELOPMENT PATTERN IN THE CITY BY CREATING AND MAINTAINING CHOICES IN HOUSING, OFFICES, RETAIL, AND WORKPLACES, AND ENSURING THAT A PERCENTAGE OF LAND USES ARE MIXED, AND WITHIN WALKING DISTANCE OF IMPORTANT DESTINATIONS.**

Finding: This application will allow commercial development that is proximate to existing transportation facilities, such as sidewalks, bike lanes, bus routes and paved roadways.

**Objective 1.5 Discourage the proliferation of urban sprawl.**

Finding: This application will allow infill development within the City's urban area.

**Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:**

**Commercial (C)**

**This Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses. Land development regulations shall determine the appropriate scale of uses. This category is not appropriate for neighborhood centers. Intensity will be controlled by adopting height limits of 5 stories or less, requiring buildings to face the street, and modest build-to-lines instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by Special Use Permit.**

Finding: This application will allow highway-oriented commercial land use consistent with existing development located along the west side of NW 13<sup>th</sup> Street (US 441), just north of NW 45<sup>th</sup> Avenue. The proposed Automotive-Oriented Business (BA) zoning district is allowed within the Commercial land use category.

**Conservation, Open Space & Groundwater Recharge**

**Policy 1.1.1 The following minimum standards shall be used to protect environmentally sensitive resources identified in the Geographic Information Systems (GIS) Map Library located on the City's Planning and Development Services Department website. The Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series shall be updated as annexations occur and when additional resources are identified: however, the GIS Map Library shall be the reference source for land Use decisions and in applying land development regulations because it contains the most up-to-date, best available information. The city shall development**

**adopt land development regulations that, at a minimum meet the standards addressed below.**

- b. Wetlands: ..... The City shall develop and implement land development regulations that at a minimum:**
  - 6. Require that development shall not cause indirect or secondary wetland Impacts off-site.**
- c. Wellfields: Development must be consistent with Policies 2.3.2 and 2.3.3 of this Element.**

**Policy 2.3.2      The City shall allow land uses and facility design within wellfield protection zones (and other “community water system” cones of influence as defined by Rule 62-550.200, F.A.C.) as identified in the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series, and that are in compliance with the Murphree Wellfield Protection Code.**

**Policy 2.3.3      The City shall allow new development in commercial, institutional, and industrial districts to only place septic tanks:**

- a. In compliance with the Wellfield Protection Special Use Permit process of the City’s Land Development Code, and if the development is in compliance with the Alachua County Hazardous Materials Management Code; and**
- b. In areas not identified as regulated surface waters and wetland areas in the Environmentally Significant Land and Resources Map Series of the future Land Use Map Series.**

**Finding:**            The Gainesville Regional Utilities (GRU) staff finds this application approvable, as indicated in the City Technical Review Committee (TRC) comments, which are labelled Exhibit C-1. Connections to water/wastewater facilities in the surrounding area will be addressed during development plan review.

**GOAL 2            MITIGATE THE EFFECTS OF GROWTH AND DEVELOPMENT ON ENVIRONMENTAL RESOURCES.**

**Objective 2.2    The City shall improve the quality of stormwater entering surface waters by requiring development and redevelopment to meet the adopted water quality standards of this Element and the Stormwater Management Element.**

**Objective 2.3    The City shall conserve and protect the quality and quantity of current and projected water sources through the planning period.**

**GOAL 4            PROVIDE ONGOING MONITORING OF ENVIRONMENTAL RESOURCES AND MITIGATE CURRENT POLLUTION PROBLEMS AND POTENTIAL POINT SOURCES OF POLLUTION.**

**Finding:**            Comments from the environmental staff are located in Exhibit C-1 and indicate no hazardous materials concerns are associated with this application. They also indicate that there are no regulated natural or archeological resources, wetlands, or surface waters known to exist on the subject property. The impact of future development on the subject property, both on and off-site, shall be reviewed against all applicable regulations during the development plan review process.

### Transportation Mobility Element

**Objective 10.4 Automobile-oriented developments/uses within the TMPA, including drive-through facilities, surface parking lots as a principal use, parking garages, car washes, and gasoline service stations, shall be regulated by the Land Development Code.**

Finding: Additional vehicle trips are expected to occur on adjacent right-of-ways, as a result of the new jobs the applicant associates with the approval of this application. More trips are also possible with only a building expansion. Although no traffic analysis was provided with this application, comments in Exhibit C-1 from the concurrency staff of the City Technical Review Committee (TRC) state that an appropriate trip generation or traffic study is required for the development plan review process.

**Objective 10.9 The City shall coordinate with the Florida Department of Transportation (FDOT) on an ongoing basis concerning the TMPA.**

Finding: During the development plan review process, the City Technical Review Committee (TRC) coordinates with the Florida Department of Transportation (FDOT) on access to State right-of-way.

#### I. The facts, testimony, and reports presented at public hearings.

Records of the applicants Neighborhood Workshop are provided in Appendix E of the staff report.

#### J. Applications to rezone to a transect zone shall meet the following additional criteria:

Not Applicable. The subject property is not located within a transect zone.

### RECOMMENDATION

Staff recommends approval of Petition PB-18-125 ZON based on a finding of compliance with all applicable review criteria.

### DRAFT MOTION FOR CONSIDERATION

I move to recommend approval of Petition PB-18-125 ZON.

### BACKGROUND:

In July of 2007, the City approved a minor subdivision located at the southwest corner of U.S. 441 and NW 53<sup>rd</sup> Avenue. The minor subdivision, which consists of five tax parcels, was recorded in Book 2, Pages 84-86 of the Public Records of Alachua County, Florida (see Exhibit D-1). A Subway restaurant occupies Parcel 1. A Waffle House restaurant occupies Parcel 2. A Home Depot occupies Parcel 3. A paved parking area occupies the southern portion of Parcel 4, while the remaining portion is vacant/wooded land. Hogtown Creek and the City of Gainesville, Hogtown Creek Headwaters Nature Park are located on Parcel 5.

In May of 2008, ownership of Parcel 4 was conveyed to the applicant and the City of Gainesville via deeds that are recorded in the Public Records of Alachua County, Florida. The conveyance of ownership did not create separate legal lots of record for each party under the City's subdivision regulations. As a result, the applicant has filed a City application for a lot line adjustment to Parcel 4 and Parcel 5 of the above-referenced minor subdivision under *Section 30-3.34., B. Lot line adjustments* of the City Land Development Code (see Exhibit B-2). A copy of the applicant's lot line adjustment application is labeled Exhibit E-7. Approval of the lot line adjustment will convert the ± 1.94 acres of Parcel 4 the applicant owns (i.e., subject property) into a separate legal lot of record that will likely be recognized as the new Parcel 4. The remaining portion of Parcel 4 will be combined with Parcel 5, since both are under City ownership.

**POST-APPROVAL REQUIREMENTS:**

The City Planning Staff must forward the City Plan Board recommendation to a City Commission public hearing, where it will be considered for further action.

**LIST OF APPENDICES:**

**Appendix A Comprehensive Plan Goals, Objectives and Policies**

Exhibit A-1: Future Land Use Element Goals, Objectives and Policies (Continued)

Exhibit A-2: Conservation, Open Space & Groundwater Recharge Element, Goals, Objectives and Policies

Exhibit A-3: Transportation Mobility Element Goals, Objectives and Policies

**Appendix B City Land Development Code**

Exhibit B-1: Table V – 7: Permitted Uses in Mixed-Use and Nonresidential Districts

Exhibit B-2: Section 30-3.34., B. Lot line adjustments.

**Appendix C Technical Review Committee (TRC) Comments**

Exhibit C-1: Cycle 1

**Appendix D Supplemental Documents**

Exhibit D-1: Minor Subdivision at Southwest Corner of Highway No. 441 and NW 53<sup>rd</sup> Avenue,  
Book 2, Pages 84-86

Exhibit D-2: Warranty Deeds for Parcel 4 of Minor Subdivision at Southwest Corner of Highway No.  
441 and NW 53<sup>rd</sup> Avenue, Book 2, Pages 84-86

**Appendix E Application Documents**

Exhibit E-1: Applicant's Cover Letter

Exhibit E-2: Rezoning Application

Exhibit E-3: Property Owner Affidavit

Exhibit E-4: Sign Affidavit

Exhibit E-5: Neighborhood Workshop w/Concept Site Plan

Exhibit E-6: Rezoning Report with Response to Staff Comments

Exhibit E-7: Lot Line Adjustment Application

## **Appendix A**

# **Comprehensive Plan Goals, Objectives and Policies**

## Goals, Objectives & Policies



# Future Land Use Element

**GOAL 1**      **IMPROVE THE QUALITY OF LIFE AND ACHIEVE A SUPERIOR, SUSTAINABLE DEVELOPMENT PATTERN IN THE CITY BY CREATING AND MAINTAINING CHOICES IN HOUSING, OFFICES, RETAIL, AND WORKPLACES, AND ENSURING THAT A PERCENTAGE OF LAND USES ARE MIXED, AND WITHIN WALKING DISTANCE OF IMPORTANT DESTINATIONS.**

**Objective 1.1**      **Adopt urban design principles that adhere to timeless (proven successful), traditional principles.**

Policy 1.1.1      To the extent possible, all planning shall be in the form of complete and integrated communities containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the residents.

Policy 1.1.2      To the extent possible, neighborhoods should be sized so that housing, jobs, daily needs and other activities are within easy walking distance of each other.

Policy 1.1.3      Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

Policy 1.1.4      The City and its neighborhoods, to the extent possible, shall have a center focus that combines commercial, civic, cultural, and recreational uses.

Policy 1.1.5      The City, to the extent possible, should contain an ample supply of squares, greens, and parks with frequent use encouraged through placement, definition and design.



- Policy 1.1.6      The City shall encourage community-serving facilities, such as government offices, farmers markets, and convention centers to be centrally located, instead of in dispersed, remote, peripheral locations. Public, community-serving facilities should be developed primarily in the City's central core and, as appropriate, in neighborhood centers. Private, community-serving facilities should be discouraged from locating in peripheral locations.
- Objective 1.2      Protect and promote viable transportation choices (including transit, walking and bicycling, and calmed car traffic).**
- Policy 1.2.1      The City may vacate street right-of-way only if it does not prevent reasonable connection for existing and future public transit, pedestrian, and non-motorized and motorized vehicle trips.
- Policy 1.2.2      The City should use design standards in the Land Development Code to ensure that higher densities are livable.
- Policy 1.2.3      The City should encourage mixed-use development, where appropriate.
- Policy 1.2.4      The City should reduce or eliminate minimum parking requirements, where appropriate.
- Policy 1.2.5      The City should encourage creation of short-cuts for pedestrians and bicyclists with additional connections and cross access in order to create walking and bicycling connections between neighborhoods and neighborhood (activity) centers.
- Policy 1.2.6      The City should encourage or require buildings to put "eyes on the street" with front facade windows and doors.
- Policy 1.2.7      The City should strive, incrementally, and when the opportunity arises street by street to form an interconnected network of neighborhood streets and sidewalks supportive of car, bicycle, pedestrian, and transit routes within a neighborhood and between neighborhoods knitting neighborhoods together and not forming barriers between them. Dead ends and cul-de-sacs should be avoided or minimized. Multiple streets and sidewalks should connect into and out of a neighborhood.
- Policy 1.2.8      Gated residential developments shall be prohibited to keep all parts of the community accessible by all citizens, and to promote transportation choice.
- Policy 1.2.9      The City shall require, on long block faces (480 or more feet), the provision of intermediate connections in the pedestrian network. For example, direct walkway and bicycle routes to schools should be provided.



- Policy 1.2.10 The City should amend the Land Development Code to require that multiple-family developments be designed to include orientation of the front door to a neighborhood sidewalk and street.
- Policy 1.2.11 The City should allow home occupations in all residential areas provided they do not generate excessive traffic and parking. Home occupations should be regulated through the Land Development Code.
- Objective 1.3 Adopt land development regulations that guide the transformation of conventional shopping centers into walkable, mixed-use neighborhood (activity) centers.**
- Policy 1.3.1 When feasible, neighborhood centers should be designed to include a gridded, interconnected street network lined with street-facing buildings and buildings at least 2 stories in height.
- Policy 1.3.2 Centers should be pleasant, safe, and convenient for pedestrians and bicyclists and contain a strong connection to transit service.
- Policy 1.3.3 Centers should, to the extent feasible, contain a range of mixed land use types preferably within a one-quarter mile area including such uses as neighborhood-scaled retail, office, recreation, civic, school, day care, places of assembly, and medical uses. The uses should be compact and vertically and horizontally mixed. Multiple connections to and from surrounding areas should be provided along the edges of a mixed-use area.
- Policy 1.3.4 Centers should be designed so that densities and building heights cascade from higher densities at the core of mixed-use districts to lower densities at the edges.
- Policy 1.3.5 Parking lots and garages should be subordinated and limited in size.
- Objective 1.4 Adopt land development regulations that promote mixed-use development.**
- Policy 1.4.1 Office complexes at least 10 acres in size shall, when feasible, include retail, service, and residences. Any retail or service uses should primarily or exclusively serve those employed within the complex.
- Policy 1.4.2 The City should require strategies such as traffic calming and transportation demand management to reduce traffic impacts experienced by residences in mixed-use areas.
- Policy 1.4.3 Mixed-use developments should emphasize transit design and compatible scale, especially when facing each other on a street.





- Policy 1.4.4 In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive-throughs, warehouses, plasma centers, and street-level parking lots.
- Policy 1.4.5 When considering the acquisition and establishment of public facilities such as parks, libraries, and neighborhood centers, the City should, to the extent appropriate, select a location and/or design the facility in such a way that collocation of the facility with a public school is either achieved with an existing school, or can be retrofitted for such a collocation.
- Objective 1.5 Discourage the proliferation of urban sprawl.**
- Policy 1.5.1 The City shall continue robust code enforcement and law enforcement to discourage flight from the city due to excessive noise, excessive lighting, blight, illegal parking of cars, ill-kept properties, and illegal signage.
- Policy 1.5.2 The City should collaborate with the School Board of Alachua County to enhance schools within city limits, particularly to make the schools more accessible to students without a car.
- Policy 1.5.3 The City should create more well-defined squares and parks within walking distance of residences, offices and shops.
- Policy 1.5.4 The City should prioritize core areas to receive the first enhancements when the City has planned citywide public improvements such as sidewalks, street re-paving, undergrounding utilities, street lights, and public parks.
- Policy 1.5.5 The City recognizes Alachua County's use of the Urban Cluster, as adopted on their Future Land Use Map, as an urban growth boundary.
- Policy 1.5.6 The City certifies that the entire area within current city limits meets the definition in Chapter 163, F.S., of an urban service area, as supported by the Data and Analysis Report.
- Policy 1.5.7 The Future Land Use Map should designate appropriate areas for multi-family residential development in close proximity to neighborhood centers and important transit routes. When appropriate and in a way not detrimental to single-family neighborhoods, the City should encourage the establishment of residential, retail, office, and civic uses within 1/4 mile of the center of neighborhood centers as an effective way to reduce car trips and promote transit, walking, and bicycling.

**GOAL 2 REDEVELOP AREAS WITHIN THE CITY, AS NEEDED, IN A MANNER THAT PROMOTES QUALITY OF LIFE,**



**TRANSPORTATION CHOICE, A HEALTHY ECONOMY, AND DISCOURAGES SPRAWL.**

- Objective 2.1**      **Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.**
- Policy 2.1.1**      The City shall develop recommendations for areas designated as redevelopment areas, neighborhood centers and residential neighborhoods in need of neighborhood enhancement and stabilization.
- a.      The City should consider the unique function and image of the area through design standards and design review procedures as appropriate for each redevelopment area;
  - b.      The City should include in its redevelopment plans recommendations regarding economic development strategies, urban design schemes, land use changes, traffic calming, and infrastructure improvements;
  - c.      The City should identify potential infill and redevelopment sites; provide an inventory of these sites; identify characteristics of each parcel, including land development regulations, infrastructure availability, major site limitations, and available public assistance; and develop a strategy for reuse of these sites;
  - d.      The City should encourage retail and office development to be placed close to the streetside sidewalk.
- Policy 2.1.2**      The City's Future Land Use Map should strive to accommodate increases in student enrollment at the University of Florida and the location of students, faculty, and staff in areas designated for multi-family residential development and/or appropriate mixed-use development within 1/2 mile of the University of Florida campus and the Innovation Square area (rather than at the urban fringe), but outside of single-family neighborhoods.
- Policy 2.1.3**      The City should concentrate CDBG, HOME, and SHIP funding efforts primarily in a limited number of neighborhoods annually.
- Policy 2.1.4**      The City shall strive to implement certain land use-related elements of Plan East Gainesville, including but not limited to:
- a.      Establishing a three-tiered land use transect for east Gainesville to transition land development regulations from urban to suburban to rural; and



- b. Coordinating with Alachua County in its strategy to develop the Alachua County fairgrounds as a mixed-use employment center.

**Objective 2.2**     **The City shall collaborate with community partners such as the University of Florida, Santa Fe College, the Gainesville Area Chamber of Commerce, Alachua County, and the School Board of Alachua County to develop the Innovation Economy within the nonresidential areas of the Gainesville Innovation Zone ( The Innovation Zone Map is part of the Future Land Use Map Series). For purposes of this objective, Innovation Economy means those technology firms and/or entities that bring a new process or technique to the production process and that are often, but not exclusively, related in some manner to University of Florida-driven research, and are generally represented by sectors such as Agritechology, Aviation and Aerospace, Information Technology, Life Sciences and Medical Technology.**

Policy 2.2.1     The City shall use the City's Strategic/Action Plan for Economic Development and shall collaborate with its community partners on the Economic Development University Community Committee (EDUCC) to encourage development of the Gainesville Innovation Zone.

Policy 2.2.2     The City shall review the Comprehensive Plan and the Land Development Code on a bi-annual basis with respect to the appropriate development of the Gainesville Innovation Zone. Should such review conclude that any amendments to the Comprehensive Plan or Land Development Code pertaining to the Gainesville Innovation Zone are needed; the City shall draft such amendments and present them to the City Plan Board.

Policy 2.2.3     The City shall work to ensure that adequate public infrastructure is in place for development of the Gainesville Innovation Zone.

Policy 2.2.4     The City shall work to ensure that pertinent local, state, and federal incentive programs are made available to those seeking Innovation Economy development opportunities.

Policy 2.2.5     The City shall work to ensure that negative impacts resulting from Innovation Economy development within the Gainesville Innovation Zone are minimized, particularly with respect to adjacent residential areas.

**Objective 2.3**     **The City shall collaborate with the Community Redevelopment Agency (CRA) to designate Community Redevelopment Areas that encourage reinvestment in the form of capital projects, infill redevelopment, and economic development programs designed to eradicate slum and blight and enhance urban form.**



- Policy 2.3.1      The City shall assist with the implementation, as appropriate, of the Community Redevelopment Plan for the Downtown Community Redevelopment Area.
- Policy 2.3.2      The City shall assist with the implementation, as appropriate, of the Community Redevelopment Plan for the Eastside Community Redevelopment Area.
- Policy 2.3.3      The City shall assist with the implementation, as appropriate, of the Community Redevelopment Plan for the Fifth Avenue/Pleasant Street Community Redevelopment Area.
- Policy 2.3.4      The City shall assist with the implementation, as appropriate, of the Community Redevelopment Plan for the College Park/University Heights Community Redevelopment Area.

**GOAL 3            ACHIEVE THE HIGHEST LONG-TERM QUALITY OF LIFE FOR ALL GAINESVILLE RESIDENTS CONSISTENT WITH SOUND SOCIAL, ECONOMIC, AND ENVIRONMENTAL PRINCIPLES THROUGH LAND DEVELOPMENT PRACTICES THAT MINIMIZE DETRIMENTAL IMPACTS TO THE LAND, NATURAL RESOURCES, AND URBAN INFRASTRUCTURE.**

- Objective 3.1      The City shall protect environmentally sensitive land, conserve natural resources, and maintain open spaces identified in the Future Land Use Map Series through the Development Review Process and land acquisition programs.**
- Policy 3.1.1      Standards and guidelines established in Conservation, Open Space, and Groundwater Recharge Element Objective 1.1 and its Policies shall be used to protect identified environmentally sensitive resources.
- Policy 3.1.2      The City shall regulate development in Floridan aquifer high recharge areas with requirements that, at a minimum, meet the standards and guidelines of the St. Johns River or Suwannee River Water Management Districts, as applicable, and Policies 2.3.6 and 2.3.7 of the Conservation, Open Space and Groundwater Recharge Element.
- Policy 3.1.3      The City shall coordinate with the Florida Department of Environmental Protection and other agencies with regulatory authority over hazardous materials management in the review of any development proposal involving the use or generation of hazardous materials.



- Policy 3.1.4      The City shall protect floodplain and flood channel areas consistent with Policy 2.4.9 of the Conservation, Open Space & Groundwater Recharge Element.
- Policy 3.1.5      Floodplains and flood channels shall be delineated by the most recent Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA) or a localized study that uses FEMA-approved analyses and that is reviewed and approved by the City of Gainesville Public Works Department.
- Objective 3.2      The City shall protect historic architectural and archaeological resources.**
- Policy 3.2.1      All development and redevelopment within designated Historic Preservation/Conservation Overlays shall be consistent with the goals, objectives, and policies of the Historic Preservation Element. The Historic Preservation/Conservation Overlays are mapped in the Future Land Use Map Series and in the Geographic Information System (GIS) Map Library located on the City's Planning and Development Services Department website.
- Policy 3.2.2      The City shall identify, designate, and protect historical resources through land development regulations consistent with the Historic Preservation Element.
- Policy 3.2.3      The City shall include in its geographic information system the location of archaeological and historic sites that are on file with the Florida Master Site File Office.
- Policy 3.2.4      The City shall include protection of archaeological resources in its land development regulations.
- Objective 3.3      Provide adequate land for utility facilities.**
- Policy 3.3.1      The City shall coordinate with public and private utilities to ensure that adequate land is available for utility facilities.
- Policy 3.3.2      the development review process shall include a review of the availability of on-site and off-site utilities and the availability of adequate land to site the utility facilities needed to serve new development.
- Objective 3.4      The City shall ensure that services and facilities needed to meet and maintain the Level of Service (LOS) standards adopted in this Plan are provided.**
- Policy 3.4.1      The City shall determine and monitor whether facilities and services that will serve proposed development meet adopted LOS standards. The Concurrency Management System shall be used to maintain adopted LOS standards.



Transportation Mobility LOS is excluded from the Concurrency Management System.

- Policy 3.4.2 A concurrency analysis shall be conducted prior to the approval of any application for a development order or permit, and no final development order or permit shall be issued unless: 1) existing facilities and services meet the City's adopted LOS standards as included in the Concurrency Management System, or 2) the final development order or permit is conditioned on such facilities and services being available at the time the impact of the development will occur. Concurrency requirements shall be met consistent with Objective 1.2 and associated policies in the Capital Improvements Element.
- Policy 3.4.3 The City shall use the 5-Year Schedule of Capital Improvements to ensure the availability of adequate public facilities and services.
- Policy 3.4.4 notwithstanding the state law exemption from the state development-of-regional-impact (DRI) review process for dense urban land areas as provided in Section 380.06, F.S., large developments that trip the DRI threshold shall be required to address their regional impacts, consistent with the City's coordination policies in the Intergovernmental Coordination Element.
- Policy 3.4.5 The City's Comprehensive Plan contained a Concurrency Management Element and Transportation Concurrency Exception Area (TCEA) that was first adopted in 1999. The City relied upon the provisions of the Concurrency Management Element and TCEA for the issuance of final development orders that include Planned Development ordinances that are still valid. The City recognizes that it is important, for both the development community and the City, to provide for a transition from the TCEA and Concurrency Management Element to a new Transportation Mobility Program (as adopted in the Transportation Mobility Element). Therefore, notwithstanding the repeal of the Concurrency Management Element and TCEA in 2013 as part of the Evaluation and Appraisal update of the Comprehensive Plan, the City recognizes that agreements and conditions related to the Concurrency Management Element and the TCEA shall remain valid for those active final development orders approved while the Concurrency Management Element was in effect. Copies of the last adopted version of the Concurrency Management Element shall remain on file with the City's Planning and Development Services Department for the limited purpose of administering those active final development orders as though the program were still in full effect. Amendments to final development orders previously approved under the Concurrency Management Element provisions shall be subject to the transportation mobility requirements in effect at the time of application if the amendment alters the development's trip generation calculations. Developers may choose to opt into the new Transportation Mobility Program subject to



meeting requirements for any new transportation studies necessary to evaluate the development.

**Objective 3.5**      **Ensure that the future plans of State government, the School Board of Alachua County, the University of Florida, and other applicable entities are consistent with this Comprehensive Plan to the extent permitted by law.**

Policy 3.5.1      The City shall coordinate with governmental entities to ensure that the placement of public facilities promotes compact development and is consistent with the adopted LOS standards.

Policy 3.5.2      The review of development plans of government entities shall be consistent with the policies of the Intergovernmental Coordination Element of this Comprehensive Plan.

Policy 3.5.3      The City shall encourage the location of schools proximate to urban residential areas consistent with Policy 3.1.1 of the Public Schools Facilities Element.

Policy 3.5.4      The City shall designate compatible land uses within the vicinity of the Gainesville Regional Airport consistent with Chapter 333, F.S., and Objective 9.2 of the Transportation Mobility Element.

Policy 3.5.5      The City shall coordinate with the University of Florida regarding the implementation of the University of Florida Campus Master Plan, as appropriate, to support future university growth while mitigating any impacts on public facilities and services such as roads, utilities, parks and recreation.

Policy 3.5.6      The City and the University of Florida shall monitor development both on and off campus and assess impacts on University and City resources, facilities and services. When it has been determined that proposed development within the designated context area would have an adverse impact on University and/or City facilities and resources, the City will participate and cooperate with University officials in the identification of appropriate strategies to mitigate the impacts.

**Objective 3.6**      **Land use designations shall be coordinated with soil conditions and topography.**

Policy 3.6.1      The City's land development regulations shall require submission of soils and topographic information with any application for developments that require site plan approval or a septic tank permit. The review of development applications shall ensure that the proposed development adequately addresses the particular site conditions.



Policy 3.6.2        Wherever possible, the natural terrain, drainage, and vegetation of the city should be preserved with superior examples contained within parks or greenbelts.

Policy 3.6.3        To the extent feasible, all development shall minimize alteration of the existing natural topography.

**GOAL 4            THE FUTURE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF THE CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER THAT: USES NEIGHBORHOOD CENTERS TO PROVIDE GOODS AND SERVICES TO CITY RESIDENTS; PROTECTS NEIGHBORHOODS; DISTRIBUTES GROWTH AND ECONOMIC ACTIVITY THROUGHOUT THE CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES QUALITY OPEN SPACE; AND PRESERVES THE TREE CANOPY OF THE CITY. THE FUTURE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS FOR COMPACT DEVELOPMENT AND EFFICIENT USE OF INFRASTRUCTURE.**

**Objective 4.1     The City shall establish land use categories that allow sufficient acreage for residential, commercial, mixed-use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites. Land use categories associated with transect zones are intended to encourage a more efficient and sustainable urban form by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact area of the City.**

Policy 4.1.1        Land Use Categories on the Future Land Use Map shall be defined as follows:

**Single-Family (SF): up to 8 units per acre**

This land use category shall allow single-family detached dwellings at densities up to 8 dwelling units per acre. The Single-Family land use category identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development. Land development regulations shall determine the performance measures and gradations of density. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations in conjunction with single-family dwellings under certain limitations.





### **Residential Low-Density (RL): up to 15 units per acre**

This land use category shall allow dwellings at densities up to 15 units per acre. The Residential Low-Density land use category identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

### **Residential Medium-Density (RM): 8-30 units per acre**

This land use category shall allow single-family and multi-family development at densities from 8 to 30 dwelling units per acre. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential Medium-Density on the Future Land Use Map identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family, and medium-intensity multi-family development. Land development regulations shall determine gradations of density and specific uses. Land development regulations shall specify criteria for the siting of appropriate medium-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations within certain limitations.

### **Residential High-Density (RH): 8-100 units per acre**

This land use category shall allow single-family and multi-family development at densities from 8 to 100 dwelling units per acre. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential High-Density on the Future Land Use Map identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for high-intensity multi-family development, and secondary retail and office uses scaled to serve the immediate neighborhood. The intensity of secondary retail and office use cannot exceed 25 percent of the residential floor area. Land development regulations shall determine gradations of density, specific uses, percentage of floor area and maximum floor area appropriate for secondary uses. Land development regulations shall specify the criteria for the siting of high-intensity residential facilities to accommodate special need



populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations within certain limitations.

### **Mixed-Use Residential (MUR): up to 75 units per acre**

This land use category provides for a mixture of residential and office uses. Office uses that are complementary to and secondary to the residential character of the district are allowed as home occupations. Additional office uses may be allowed through a Special Use Permit process established in the Land Development Code. An essential component of the district is orientation of structures to the street and the pedestrian character of the area. Office uses located within this district should be scaled to surrounding neighborhoods and institutions. Land development regulations shall set the appropriate densities (up to 75 dwelling units per acre); the allowable uses; appropriate height (up to a maximum of 4 stories); design criteria; and landscaping requirements. Land development regulations shall specify the criteria for the siting of public and private schools, places of religious assembly and community facilities within this category.

### **Mixed-Use Office/Residential (MOR): up to 20 units per acre**

This land use category allows residential uses and, depending on the implementing zoning district, may allow office, professional, service, and ancillary uses either as stand-alone uses or combined in a mixed-use development format. Some non-office type uses, such as restaurants, may be allowed through a Special Use Permit process established in the Land Development Code. Structures in this category shall be oriented to the street and encourage multi-modal transportation through the development design. Developments located within this category shall be scaled to fit the character of the area. Residential density shall be limited to 20 units per acre. Maximum building height shall be limited to 3 stories. Land development regulations shall establish the appropriate uses; design criteria; landscaping and pedestrian/vehicular access for this category. Public and private schools, places of religious assembly and community facilities are appropriate within this category.

### **Mixed-Use Low-Intensity (MUL): 8-30 units per acre**

This land use category allows a mixture of residential and non-residential uses such as standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses. Light assembly, fabrication, and processing uses within fully enclosed structures may be allowed as specially regulated uses through a Special Use Permit process established in the Land Development Code. Residential development shall be limited to 8 to 30 units per acres. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. Unified developments that include a residential and non-residential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less; however, height may



be increased to a maximum of 8 stories by Special Use Permit. Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within 1/4 mile of the site, have a residential density of at least 6 units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest front setbacks.

This category shall not be used to extend strip commercial development along a street. Land development regulations shall ensure a compact, pedestrian-friendly environment for these areas, and provide guidelines or standards for the compatibility of permitted uses.

#### **Mixed-Use Medium-Intensity (MUM): 12-30 units per acre**

This land use category allows a mixture of residential, office, and business uses concentrated in mapped areas. When implemented by the Corporate Park zoning district, this category is appropriate for corporate office facilities and mixed-use office oriented development. Light assembly, fabrication, and processing uses within fully enclosed structures may be allowed as specially regulated uses through a Special Use Permit process established in the Land Development Code. Public and private schools, institutions of higher learning, places of religious assembly and community facilities shall be appropriate in this category. Such development shall function as a neighborhood center serving multiple neighborhoods or a community-serving retail and/or office center. It is not expected that these areas shall be expanded significantly during this planning period. Land development regulations shall ensure a compact, pedestrian environment for these areas, and provide guidelines for the compatibility of permitted uses. Residential development shall be limited to 12 to 30 units per acre. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. Unified developments that include a residential and non-residential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less; however, height may be increased to a maximum of 8 stories by Special Use Permit. Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within 1/4 mile of the site, have a residential density of at least 6 units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and community facilities.

Buildings in this land use category shall face the street and have modest front setbacks.



**Urban Mixed-Use (UMU): up to 60 units per acre; and up to 20 additional units per acre by Special Use Permit**

This land use category allows residential, office, retail and serve uses either as stand-alone uses or combined in a mixed-use development format. Light assembly, fabrication, and processing uses within fully enclosed structures shall be allowed in specified zoning districts as specially regulated by the Land Development Code. Structures in this category shall be oriented to the street and encouraged multi-modal transportation through the development design. Developments located within this category shall be scaled to fit the character of the area. Residential density shall be limited to 60 units per acre with provisions to add up to 20 additional units per acre by Special Use permit as specified in the land development regulations. Maximum building height shall range between 4 to 5 stories, depending upon the implementing zoning district, with provisions to add up to an additional 1 to 2 stories by a height bonus system as established in the Land Development Code. Land development regulations shall set the appropriate densities, the types of uses; design criteria; landscaping, and pedestrian/vehicular access. Public and private schools, places of religious assembly and community facilities are appropriate within this category.

**Urban Mixed-Use High Intensity (UMUH): 10-100 units per acre; and up to 25 additional units per acre by Special Use Permit**

This land use category allows residential, office/research, retail, and service uses either as stand-alone uses or combined in a mixed-use development format. Light assembly, fabrication, and processing uses within fully enclosed structures shall be allowed as specially regulated by the Land Development Code. The Urban Mixed-Use High-Intensity category is distinguished from other mixed-use categories in that it is specifically established to support research and development in close proximity to the University of Florida main campus. An essential component of the category is orientation of structures to the street and the multi-modal character of the area. Developments located within this category shall be scaled to fit the character of the area. Residential density shall be limited to 10 to 100 units per acre with provisions to add up to 25 additional units per acre by Special Use Permit as specified in the land development regulations. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. Unified developments that include a residential and non-residential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Building height shall be limited to 6 stories and up to 8 stories by a height bonus system as established in the Land Development Code. Land development regulations shall set the appropriate zoning densities: the types of uses; design criteria; landscaping, and pedestrian/vehicular access. Public and private schools, places of religious assembly and community facilities are appropriate within this category.



### **Urban Core (UC); up to 150 units per acre; and up to 25 additional units per acre by Special Use Permit**

This land use category allows residential, office, and business uses concentrated in the urban core area. Light assembly, fabrication, and processing uses within fully enclosed structures shall be allowed as specially regulated by the Land Development Code. Development in this category shall function as a center serving the urban area. Development within the urban core shall ensure the compact, pedestrian character of this area. Residential densities up to 150 units per acre shall be permitted with provisions to add up to 25 additional units per acre by Special Use Permit as specified in the land development regulations. Buildings in this category shall face the street and meet build-to lines established in the Land Development Code. Building height shall be limited to 12 stories, with up to 14 stories by a height bonus systems as established in the Land Development Code. Public and private schools, government offices, institutions of higher learning, places of religious assembly and community facilities are appropriate in this category.

### **Office (O)**

The Office land use category identifies areas appropriate for office, residential, professional and service uses, hospital and medical uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the Office zoning district. Some non-office type uses such as restaurants may be allowed in this land use category by a Special Use Permit process established in the Land Development Code. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by Special Use Permit. For hospitals and large-scale medical office facilities that are located in a Medical Services zoning district, the height may be increased to 14 stories by Special Use Permit.

### **Commercial (C)**

The Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses. Land development regulations shall determine the appropriate scale of uses. This category is not appropriate for neighborhood centers. Intensity will be controlled by adopting height limits of 5 stories or less, requiring buildings to face the street, and modest build-to lines instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by Special Use Permit.

### **Business Industrial (BI)**

This land use category is appropriate for those areas near the Gainesville Regional Airport for office, business, commercial and industrial uses. This category is distinguished from other industrial and commercial categories in that it is designed specifically to allow only uses that are



compatible with the airport. Intensity will be controlled by adopting land development regulations that establish height limits consistent with the Airport Hazard Zoning Regulations. When not located within an airport zone of influence, as mapped in the Land Development Code, this category is also appropriate to designate areas for office, business, commercial and industrial uses, with a maximum height of 5 stories, and a maximum floor area ratio of 4.0. Land development regulations shall specify the type and distribution of uses, design criteria, landscaping, pedestrian and vehicular access.

### **Industrial (IND)**

The Industrial land use category identifies those areas appropriate for manufacturing, fabricating, distribution, extraction, wholesaling, warehousing, recycling, and other ancillary uses. Other uses may be allowed in this land use category as specified in an adopted ordinance rezoning property to Planned Development District (PD). Land development regulations shall determine the appropriate scale of uses and consider the externalities of such uses. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less.

### **Education (E)**

This land use category identifies appropriate areas for public and private schools and institutions of higher learning. This category includes University of Florida (UF) properties designated in the UF Campus Master Plan as part of the main campus. Land development regulations shall address compatibility with surrounding uses and infrastructure needs.

### **Recreation (REC)**

This land use category identifies appropriate areas for public and private leisure activities. Land development regulations shall address the scale, intensity and buffering of structures and outdoor improvements.

### **Conservation (CON)**

This land use category identifies areas environmentally unsuited to urban development, permanent buffers between land uses, areas used for passive recreation and nature parks. Privately held properties within this category shall be allowed to develop at single-family densities of 1 unit per 5 acres. Land development regulations shall determine the appropriate scale of activities, structures and infrastructure that will be allowed.

### **Agriculture (AGR)**

This land use category identifies existing lands which are expected to continue in agricultural production and ancillary uses. Land development regulations shall allow single-family densities of 1 unit per 5 acres. It is not expected that lands designated for urban uses will be converted to agricultural production.



### **Public and Institutional Facilities (PF)**

This land use category identifies lands used for: administrative, operational, and utility governmental functions; private utilities; cemeteries; and public-private partnerships or

other legal arrangements where the land title is vested in a government and the use(s) serves a public purpose. Maximum lot coverage in this category shall not exceed 80 percent, except in areas where lot coverage is not limited by land development regulations.

### **Planned Use District (PUD)**

This land use category is an overlay land use category that may be applied on any specific property in the City. The land use regulations pertaining to this overlay district shall be adopted by ordinance in conjunction with an amendment to the Future Land Use Map of this Comprehensive Plan. The category is created to allow the consideration of unique, innovative or narrowly construed land use proposals that because of the specificity of the land use regulations can be found to be compatible with the character of the surrounding land uses and environmental conditions of the subject land. This category allows a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in the underlying land use category. Each PUD overlay land use category adopted shall address: density and intensity; permitted uses; access by car, pedestrians, bicycle, and transit; trip generation, trip distribution, and trip capture; environmental features; and, when necessary, buffering of adjacent uses. Planned Development zoning shall be required to implement a PUD land use category.

Policy 4.1.2 Underlying densities and intensities of development within the future land use categories shall be consistent with the policies in the Conservation, Open Space and Groundwater Recharge, and Future Land Use Elements providing standards and criteria established for the protection of environmentally sensitive land and resources.

Policy 4.1.3 The City will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:

1. Consistency with the Comprehensive Plan;
2. Compatibility and surrounding land uses;
3. Environmental impacts and constraints;
4. Support for urban infill and/or redevelopment;
5. Impacts on affordable housing;
6. Impacts on the transportation system;
7. An analysis of the availability of facilities and services;
8. Need for the additional acreage in the proposed future land use category;
9. Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6)(a)9., F.S.;



10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and

11. Need to modify land use categories and development patterns within antiquated subdivisions as defined in Section 163.3164, F.S.

Policy 4.1.4 The City will consider amending land use designations in the City to discourage strip commercial uses and encourage a mix of residential and non-residential uses.

**Objective 4.2 The City shall implement regulations that will protect low-intensity uses from the negative impacts of high-intensity uses and provide for the healthy coexistence and integration of various land uses.**

Policy 4.2.1 The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low-intensity uses by transitional uses and by performance measures. Performance measures shall address the buffering of adjacent uses by landscape, building type and site design. Regulation of building type shall insure compatibility of building scale, and overall building appearance in selected areas. Regulation of site design shall address orientation. Such regulation shall also include arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and tree canopy.

Policy 4.2.2 The City shall adopt land development regulations that encourage better access between residential neighborhoods and adjacent neighborhood centers through the use of street design and the use of pedestrian, bicycle and transit modifications.

Policy 4.2.3 The existence of non-residential uses on one or more corners of an intersection will not justify approval of the development of all corners with the same or similar use, nor does the existence of non-residential uses on a major arterial street dictate that all frontage must be similarly used.

Policy 4.2.4 The City shall continue to restrict auto sales and relatively intense auto service to North Main Street north of 16th Avenue.

**Objective 4.3 The City shall establish protection and enhancement policies, as needed, for selected neighborhood (activity) and regional centers.**

Policy 4.3.1 The Central City Town Center shall integrate the University of Florida, the Innovation Square area, and the Central City District into one dynamic core.





Policy 4.3.2

The Morningstar Area shall be regulated by the following:

- a. Any development and/or subdivision of land within the Morningstar Area shall be consistent with the City's land development regulations.
- b. Livestock uses that existed prior to January 31, 1994, shall be deemed legally nonconforming uses. However, there shall be no new livestock uses introduced or expansions of existing uses without a city-issued livestock or fowl permit as provided in the Code of Ordinances.
- c. A building permit may be issued for a single-family dwelling on an existing lot of record as of January 31, 1994, if all of the following provisions apply:
  1. minimum lot size of 0.50 acres;
  2. a perpetual easement improved by a road or drive that connects the lot to a dedicated public right-of-way that is capable of supporting police and fire emergency vehicles in the opinion of the City's Traffic Engineer; and
  3. the lot will legally meet the requirement for provision of potable water and disposal of sewage.

Policy 4.3.3

The Orton Trust Planned Use District shall consist of a mix of residential and non-residential uses under the following conditions and restrictions:

- a. A planned development zoning ordinance consistent with the planned use district must be adopted by the City Commission within one year of the effective date of the land use change. If the aforesaid zoning ordinance is not adopted within the one year period, then the overlay district shall be null and void and of no further force and effect and the Future Land Use Map shall be amended accordingly to the appropriate land use category upon proper notice. The planned development zoning ordinance shall specify allowable uses and design standards consistent with traditional neighborhood design principles.
- b. The overall residential density must meet a minimum of 6 units per acre and a maximum of 8 units per acre, excluding wetlands. The residential density shall be no greater than 8 units per acre in single family detached residential dwellings along Northwest 31st Avenue.
- c. No non-residential activity, with the exception of places of religious assembly or private schools, shall be allowed along Northwest 31st

Avenue or within 500 linear feet north of the frontage of Northwest 31st Avenue.



- d. A maximum of 80,000 square feet of non-residential use, including retail/commercial, eating places, office, civic, schools, day care centers, and places of religious assembly shall be allowed. A maximum of 600 feet of the Northwest 39th Avenue frontage shall be used for non-residential uses. The total allowable retail/commercial uses shall not exceed 40,000 square feet. Retail/commercial uses shall be as defined by the 1987 Standard Industrial Classification Manual major groups 52 thru 57 inclusive, 59; and 70 thru 79 inclusive. All non-residential uses on the perimeter of the planned use district shall be adequately buffered from surrounding residential uses through the use of greenspace, fences, or walls. The buffer widths shall be established in the planned development zoning ordinance.
- e. A minimum of 40,000 square feet of residential use shall be required above the first or second story of non-residential uses, and may be placed above the first or second story of any part of the 80,000 square feet of non-residential use authorized by this planned use district.
- f. The maximum allowable square footage for any one-story retail/commercial building where the entire building is in a single use is 15,000 square feet.
- g. A maximum of 2 businesses shall be allowed to have drive-through facilities. The drive-through facilities may only be used for a pharmacy and a financial institution. A maximum of 4 drive-through lanes shall be allowed and no more than 3 lanes shall be allowed for any single use. The planned development zoning ordinances shall require that any drive-through facility shall be designed to maximize pedestrian safety and convenience and shall establish design standards that ensure that drive-through facilities do not adversely affect the quality of the public realm or urban character of the area. Drive-through facilities can only be located within 300 feet of the Northwest 39th Avenue frontage.
- h. A minimum of 8 acres shall be provided in common open space for conservation and recreation.
- i. The planned development zoning ordinance shall prescribe a phasing schedule in order to ensure a mixed-use project including residential and/or residential infrastructure from the first phase of construction.
- j. The planned development zoning ordinance shall provide a uniform signage plan for the planned use district.
- k. All wetland areas must be identified by the appropriate water



management district before any final development orders will be issued. The removal, fill or disturbance of wetlands shall be in

accordance with the requirements of the St. Johns River Water

Management District and the City's Comprehensive Plan. All development on the site shall be consistent with Article VIII, Environmental Management, of the City's Land Development Code.

- l. A master stormwater management plan shall be prepared and approved by the City's Public Works Department for the entire planned use district prior to the issuance of any final development orders.
- m. A maximum of 2 access roadways shall be allowed onto Northwest 39th Avenue. A maximum of 2 access roadways shall be allowed onto Northwest 31st Avenue. No direct driveway access connections are allowed from either Northwest 39th Avenue or Northwest 31st Avenue.
- n. The internal road network shall be designed using Traditional Neighborhood Development Street Design Guidelines as published by the Institute of Transportation Engineers, as updated from time to time. The developer shall construct vehicular connections to the adjacent Palm Grove Subdivision, Phases I and II on the west side of the proposed planned use district, so that the connections align with the connections shown on the Palm Grove Phase I and II subdivision plats.
- o. Except as may be established and shown for good cause by the owner/developer and then provided in the planned development zoning ordinance, all sidewalks shall be 5-foot minimum in width. A pedestrian network consisting of sidewalks shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the public sidewalk. All retail/commercial uses shall be interconnected by safe pedestrian/bicycle connections. Each use along the Northwest 39th Avenue frontage shall have a sidewalk connection to the public sidewalk.
- p. The planned use district shall maximize cross-access vehicle and pedestrian/bicycle connections between uses and shall maximize pedestrian safety and comfort.
- q. The owner/developer shall construct and transfer to the City of Gainesville a bus shelter located on the Northwest 39th Avenue frontage or an alternative location approved within the planned development zoning ordinance as part of the first phase of development.



- r. The planned use district land use category does not vest the development for concurrency. The owner/developer is required to apply for and meet concurrency management certification requirements, including transportation mitigation if necessary, at the time of application for planned development rezoning.

#### Policy 4.3.4

The property governed by this policy shall be known as the Plum Creek Development Company ("Plum Creek") for land use purposes. Due to the unique infrastructure and environmental constraints of "Plum Creek" as depicted on the map labeled "Plum Creek SR 121 Overall Site" in the Future Land Use Map Series A, Plum Creek shall be governed by the following policies:

- a. Within all land use areas of Plum Creek:
  - 1. Maximum residential development of the entire 1,778 acres shall not exceed 1,890 residential units and 100,000 square feet of non-residential uses of which a maximum of 80,000 square feet shall be permitted as Commercial, and these densities and square footage may be less unless the developer establishes to the City at the time of rezoning by competent substantial evidence, that the development meets the criteria and standards of this Policy 4.3.4 and the Land Development Code.
  - 2. Development shall be clustered to inhibit encroachment upon the environmentally significant features of Plum Creek; and
  - 3. Wetlands shall not be impacted other than where necessary to achieve interconnectivity between upland properties; and
  - 4. Wetlands shall be protected by wetland buffers that shall be a minimum of fifty (50) feet and an average of seventy-five (75) feet wide. The minimum and average buffer widths shall not apply to those portions of the wetlands that are impacted consistent with 4.3.4.a.3 above; and
  - 5. Stormwater treatment facilities shall not be permitted within the wetland buffers established pursuant to Section 4.3.4.a.4. above, except that outfall structures shall be allowed within these buffers; and
  - 6. Areas within the floodplain district, as defined in the City's Land Development Code, shall be protected so that at least ninety (90%) percent of existing floodplain areas shall not be altered by development, except that recreation and stormwater



management may occur within not more than twenty percent (20%) of the floodplain district, and the existing floodplain storage volume will be maintained; and

7. Stormwater best management practices and/or low impact development (LID) practices shall be used to the maximum extent practicable to maintain or replicate the pre-development hydrologic regime, as determined by the City, and consistent with state requirements; and
8. Existing functioning ecological systems within Plum Creek shall be retained to the maximum extent practicable while accommodating the uses and intensity of uses authorized by the land use policies governing Plum Creek, as determined by the City.
9. Maintain and enhance plant and animal species habitat and distribution by protecting significant plant and animal habitats, provide for habitat corridors, prevent habitat fragmentation by requiring a detailed survey of listed species, identify habitat needs for maintaining species diversity and sustainability; preserve wetlands and at least forty percent (40%) and up to fifty percent (50%) of the upland area, inclusive of the wetland buffers established pursuant to 4.3.4.a.4. above. Listed species are those species of plants and animals listed as endangered, threatened, rare, or species of special concern by the state and federal plant and wildlife agencies, or species ranked as S1, S2, or S3 the Florida Natural Areas Inventory (FNAI).
10. Wetlands, wetland buffers, floodplain and upland habitat areas that are to be protected shall be identified as Conservation Management Areas and protected by a perpetual conservation easement in favor of the City, or a tax exempt land trust doing business within Alachua County, Florida, as determined by the City. Activities within the Conservation Management Areas shall be as set forth in a Conservation Management Plan approved by the City.
11. Planned Developments adopted by zoning ordinances within Plum Creek shall impose standards that address minimum required setback from SR 121 and CR 231, retention of existing vegetation and supplemental vegetative plantings, fencing and other forms of screening. Except where access to the property is provided, a minimum 50 foot vegetative buffer shall be retained along both sides of SR 121 and CR 231 within Plum Creek.



12. A natural and/or planted buffer with a minimum average width of 100 feet that at no location is less than 25 feet wide, shall be retained along the entire western boundary property line beginning at SR 121 at the north and ending at US 441 at the south, but shall not include the southwesterly property line abutting US 441.
13. A natural and/or planted buffer with a minimum average width of 200 feet that at no location is less than 50 feet wide, shall be retained along the southern boundary of Plum Creek, west of SR 121, between industrial and residential uses.

b. Conservation Land Use Areas

All areas designated Conservation land use shall receive a zoning district designation of Conservation and are not permitted to have any residential units. There shall be no transfer of density to other areas.

No development, other than minimum crossings necessary to achieve interconnectivity between upland properties, and passive recreational uses is allowed within the Conservation Areas, as determined by the City.

c. Single-Family, Residential Low-Density and Planned Use District Land Use Areas

1. All areas designated Single-Family, Residential Low-Density and Planned Use District land use shall be implemented by Planned Development (PD) zoning. The required rezoning to PD of the areas designated Single-Family and Residential Low-Density may occur in increments over time upon request of the property owner and approval by the City; however, rezoning of the Planned Use District (PUD) area to PD shall occur as provided in Paragraph F below entitled "Planned Use District Land Use Area". Until such rezonings to PD are effective, the zoning district designations shall remain Agriculture for all areas designated Single-Family, Residential Low-Density and Planned Use District land use; and
2. All areas that are rezoned to PD shall be designed to be traffic-calmed and pedestrian friendly; and
3. The PD rezonings for Plum Creek shall ensure that allowed uses are integrated within the existing site landscape in a way that reasonably assures the following:



- a. Preservation of the ecological integrity of the ecosystems of Plum Creek by creating and maintaining connectivity between habitats, minimizing natural area fragmentation, and protecting wetlands, associated uplands, and floodplains as indicated in Policy 4.3.4.a. above; and
  - b. Preservation or enhancement of existing wetlands with approved treated stormwater to wetlands, limiting impacts to such wetlands to crossings necessary to achieve interconnectivity between upland properties, and requiring that any such crossings be designed to minimize wetland impacts.
4. The PD rezonings for Plum Creek shall require that appropriate “low impact development” (LID) techniques for the site must be implemented. Prior to second and final reading of each ordinance that rezones property within the PUD to PD, the owner/developer shall provide legally enforceable documents to the City that establish that a responsible entity (e.g., community development district, developer and/or homeowner’s association) will permanently provide for proper maintenance of the LID functional landscape. LID is a site design strategy for maintaining or replicating the pre-development hydrologic regime through the use of design techniques that create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration, and ground water recharge, plus discharge volume and frequency shall be maintained by integrated and distributed micro-scale stormwater retention and detention areas, by the reduction of impervious surfaces, and by the lengthening of flow paths and runoff time. Other LID strategies include, but are not limited to, the preservation/protection of environmentally sensitive site features such as wetlands, wetland buffers and flood plains. Each rezoning to PD shall include conditions requiring appropriate LID practices, subject to the approval of the City. Such practices shall include, but are not limited to:
- a. Development that adheres to the principles of “New Urbanism” or “Traditional Neighborhood Development”.
  - b. Clustering of development.
  - c. Bioretention areas or ‘rain gardens.’



- d. Grass swales
  - e. Permeable pavements
  - f. Redirecting rooftop runoff to functional landscape areas, rain barrels or cisterns.
  - g. Narrowing street widths to the minimum width required to support traffic, on-street parking where appropriate, and emergency vehicle access.
  - h. Elimination of curb and gutter where appropriate.
  - i. Minimization of impervious surfaces through use of shared driveways and parking lots.
  - j. Reduction in impervious driveways through reduced building setbacks.  
frontages for lots.
  - l. Permanent educational programs to ensure that future owners and residents of the site have an opportunity to fully understand the purpose, function, and maintenance of each LID component.
  - m. Limitations on the amount of turf allowed within the site and standards for implementation of best management practices for such turf, including minimum fertilizer applications.
  - n. Reuse of stormwater.
  - o. Use of “Florida Friendly” plant species and preferably native species for landscaping.
  - p. Use of low-volume irrigation technologies and soil moisture sensors if potable water supply is used for irrigation.
5. Implementation of appropriate “firewise” community planning practices shall be identified during the rezoning process and required by the PD zoning ordinances.
6. A master storm water management plan for each geographic





area proposed for rezoning to PD must be prepared and submitted to the City for review and approval before final development orders can be approved.

1.

d. Single-Family Land Use Areas

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

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

e. Residential Low-Density Land Use Areas

All areas designated Residential Low-Density land use shall be rezoned to PD prior to undertaking any development for multi-family or single-family use or any other housing type.

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

3. Development shall provide for pedestrian and bicyclist safety and comfort.

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

f. Planned Use District Land Use Area

1. Development within the Planned Use District area shall maximize pedestrian/bicycle connections among all uses (residential and non-residential) and shall maximize pedestrian and bicyclist safety and comfort. A network of sidewalks and street trees shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the public right-of-way adjoining the Planned Use District. To



minimize traffic impacts on SR 121, the implementing PDs shall maximize internal roadway connectivity between residential and areas with mixed uses.

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

shall be required to fund transit service (capital and operations) for the development with minimum 15-minute frequencies in the a.m. and p.m. peak hours for RTS. If the funding is for a new route to serve the development, the funding for transit shall be for a minimum period of 5 years. If the funding is for expansion of an existing route to serve the development, the funding for transit shall be for a minimum period of 3 years.

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

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

- a. The Planned Use District area shall allow mixed uses such as residential, office, business retail, professional and financial services, schools, places of religious assembly and community facilities. The area shall be implemented by PD zoning which shall generally adhere to the requirements of the City's Traditional Neighborhood Development District standards.

- b. A minimum gross density of 4 residential units per acre (668 residential units) is required for the 166.89 acres of Planned Use District (PUD) land use. A transfer of density from the Residential Low-Density Land Use Areas or the Single-Family Residential Land Use Areas into the PUD area may be approved during PD rezonings. Any transfers of density from the Residential Low-Density Land Use Areas and the Single-Family Land Use Areas to PUD shall reduce the overall number of units for the Residential Low-Density Land Use Areas and Single-Family Residential Land Use Area, respectively, allowed by



the number of residential units transferred.

- c. Residential uses that are located above non-residential uses are allowed and encouraged. Residential types allowed include townhouses, apartments, plus attached and detached single-family homes.
- d. A maximum of 100,000 square feet of non-residential use shall be allowed within the Planned Use District  
  
land use, of which a maximum of 80,000 square feet shall be permitted as commercial use. Except as may be otherwise provided in the implementing PD zoning ordinance, each building within this zone shall be allowed to be mixed with residential located above non-residential uses. Each implementing PD shall  
  
provide detailed and specific design standards governing all aspects of development within the PD.
- e. Urban design standards that ensure compatibility among the various allowed uses shall be included as part of the PD ordinance. Additional standards may be required to address noise and lighting to further assure compatibility.
- f. The PD zoning ordinance shall, through design and performance measures, assure the neighborhood, pedestrian quality of Plum Creek by regulating building type and scale, overall building appearance and orientation, placement and function of parking, loading, waste disposal, access points, outdoor uses and mechanical equipment, signage and landscaping.
- g. Open space shall be provided, where appropriate, as common open space serving conservation, recreation and civic needs of the Planned Use District Area, subject to approval of the City.

g. Miscellaneous Provisions

- 1. The developer has signed a binding agreement acknowledging owner/developer responsibility for mitigation of transportation impacts associated with the maximum amount of development identified in the future land use amendment. Prior to the second reading of the first PD rezoning ordinance(s) for Plum Creek, the owner/developer shall sign an agreement associated with the transportation mobility program in effect at the time of PD



rezoning submittal for the first phase of the development as shown in the PD ordinance. At a minimum, prior to adoption of the second reading of the ordinance for any PD rezoning for any portion of Plum Creek, the owner/developer shall make a payment to the City or sign a binding agreement for construction of an acceptable project, which shall include bonding requirements or other assurance acceptable to the City Attorney for the required transportation mobility project (consistent with the transportation mobility program in effect at the time of PD rezoning) associated with the trip generation for the first phase as shown in the PD. Subsequent to the first agreement associated with the transportation mobility agreement program in effect at the time of PD rezoning, additional transportation mobility agreements shall be executed prior to the issuance of final site plan or subdivision final plat development orders for the relevant phases of the development.

2. At the time of filing an application for the first planned development rezoning, the developer shall submit to the City recommended transportation mobility modifications needed to address the full build-out of residential and nonresidential uses authorized by Policy 4.3.4.a.1. and identify funding of such modifications pursuant to the Agreement required for Policy

4.3.4.g.1. herein, subject to approval by the City. Such transportation modifications shall be consistent with the City's transportation mobility requirements in effect at that time.

All recreation facilities that are required to ensure that the City's Recreation LOS standards are maintained shall be specified in the PD rezoning application and ordinance. Many of the single-family areas along with portions of the PUD area

shall be built around pocket parks of various types, subject to approval by the City. At the development stage for each phase and section of the project, recreational acreage necessary to meet the demands of the residential units will be provided by the owner/developer as required by the Gainesville Comprehensive Plan Recreation Element. All recreational amenities will be provided at the cost of the owner/developer. Recreation facilities shall be provided on-site to ensure that the needs of the residents of Plum Creek are met on-site, provided that a portion of the recreation need may be met through the development of active recreation facilities on the adjacent property (tax parcel 07781-002-000) owned by the City of Gainesville, subject to approval by the City.

3. All proposed access points to CR 231 are subject to approval



by the Alachua County Public Works Department. All proposed access points onto SR 121 are subject to approval by the FDOT.

4. Due to the roadway operation and safety concerns of SR 121, the owner/developer shall provide a traffic study acceptable to the City, Alachua County, and the Florida Department of Transportation prior to the application for each PD rezoning. The study shall analyze issues related to trip generation, trip

distribution, operational and safety concerns, and shall propose appropriate transportation mobility modifications, consistent with the transportation impacts of the development. The development shall be required to meet any transportation mobility requirements in effect at the time of application for development review. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

5. Land use changes for Plum Creek do not vest future development for concurrency. The owner/developer is required to apply for and meet concurrency management certification requirements, including public school facilities and recreation mitigation at the time of filing any PD rezoning application.
6. The Plum Creek development shall include in any Planned Development Report the requirement that five percent of the residential units shall be affordable to households earning between 80% and 120% of the median income for Alachua County for a family of four as established from time to time by the U.S. Department of Housing and Urban Development. Each implementing PD zoning ordinance shall provide all required methods for ensuring implementation of this requirement, including the requirement that the owner/developer enter into a binding agreement that specifies the number of affordable units that must be constructed on an approved time schedule.
7. No rezonings to PD within the area of the map labeled "Plum Creek SR 121 Overall Site" in the Future Land Use Map Series A shall be adopted on final reading of the ordinance for areas north of the line labeled "Phase Line" until all areas south of the same line have been rezoned to PD zoning, and at least 75 percent of the infrastructure (e.g., roads, sidewalks, stormwater



facilities, utilities) south of the “Phase Line” has been constructed and completed.

8. In accordance with Policy 1.1.5 of the Public School Facilities Element and School Concurrency—Alachua County, FL, Updated Interlocal Agreement for Public School Facility Planning (December 23, 2008), the Alachua County School Board submitted a school facilities capacity report. The report

concludes that projected student demand resulting from Plum Creek Development at the elementary, middle and high school levels can reasonably be accommodated for the five, ten and twenty year planning periods and is consistent with the Public School Facilities Element based upon School District not constitute a school capacity availability determination or concurrency certification, it does not reserve school capacity for Plum Creek, and it does not vest Plum Creek for school concurrency. At the time of application for a development order for Plum Creek, the developer shall apply for and obtain concurrency certification in compliance with the City Comprehensive Plan, Code of Ordinances and state law. Prior to approval of any development order, the City shall coordinate with the School Board and determine availability of school capacity within the applicable School Concurrency Service Area. A Capacity Enhancement Agreement or other mitigation option as provided for in Policies 1.1.7 and 2.5.1 through 2.5.4 of the Public School Facilities Element may be required at that

time to ensure continued compliance with all applicable provisions of the City Comprehensive Plan, Code of Ordinances and state law. In the absence of a Capacity Enhancement Agreement or other mitigation option being approved fulfilling the concurrency requirement, the City will not issue a concurrency certification if capacity is unavailable, and such circumstance can result in a delay or denial of a development order for Plum Creek.

**Policy 4.3.6** This policy shall regulate the Planned Use District (PUD) known as the “Butler Development.” The Butler Development PUD, including its division into four (4) subareas, is depicted on the map titled “Butler Development PUD Future Land Use Overlay” in the Future Land Use Map Series located in this element. The properties within the Butler Development PUD have underlying future land use categories as shown on the map titled “Butler Development Underlying Future Land Use” in the Future Land Use Map Series located in this element.

Comprehensive Plan policies of general applicability shall apply to the Butler Development PUD. In the event of express conflict or inconsistency between



the general Comprehensive Plan policies and any specific policies as set forth below, the specific policies shall govern.

a. The following conditions shall apply to the entirety of the Butler Development PUD:

1. The properties within subareas 1, 2, 3, and 4 shall be designated PUD on the Future Land Use Map.
2. The allowable uses and maximum levels of intensity, which may be allocated to any of the four (4) subareas, shall be as follows:

Commercial uses:	2,500,408 square feet
Office uses:	250,000 square feet
Hotel / Motel uses:	500 rooms
Multi-Family Residential uses:	1,000 units

The specific allowable uses and development program shall be specified in the Planned Development (PD) zoning ordinance.

3. The maximum cumulative development program for Butler Development (including existing development, new development and redevelopment) shall be limited to a maximum trip generation not to exceed 37,591 average daily trips. There are 12,224 average daily trips associated with the existing development as documented in the traffic study.
4. Multi-family residential uses shall be permitted in any combination of vertical or horizontal mix or as a stand-alone use. 20% of the multi-family residential units constructed, whether rental or owner-occupied, shall be affordable housing units for workforce housing as defined in Section 380.0651(3)(h), F.S., or moderate-income, low-income or very low-income persons or households as those terms are defined in the City's Local Housing Assistance Program (LHAP). The affordability of such units shall be maintained for a period of 10 years following construction, shall run with the land, and shall be enforceable by the City through recorded covenants or restrictions.
5. Maximum building height shall be eight (8) stories.
6. Development and redevelopment within the Butler Development PUD shall require Low Impact Development

(LID) techniques. Prior to final development plan approval, the owner/developer shall provide legally enforceable documents establishing a responsible entity to permanently provide



maintenance of the LID functional landscape. LID is a site design strategy for maintaining or replicating the pre-development hydrologic regime through the use of design techniques that create functionally equivalent hydrologic landscape. Reclaimed water shall be used for irrigation if and when it becomes available.

7. Stormwater management facilities shall be aesthetically pleasing and shall meet the requirements of the City's Engineering Design and Construction Manual. The owner/developer shall, at no cost to the City, dedicate right-of-way or provide easements to the City for the shared stormwater facilities.
8. Prior to the first final development plan being approved in either Subarea 1 or Subarea 2, a master plan for stormwater management and open space for the entire Butler Development PUD shall be provided, subject to approval by the City. This master plan shall include the written consent of all property owners within the Butler Development PUD.
9. Design standards specified in the PD zoning ordinance shall address: building orientation, build-to lines, building articulation, glazing, parking, garden walls, landscaping, pedestrian and transit facilities, a gridded, interconnected street network and limitations on the maximum size of single-occupant, single-story buildings.
10. Development shall include sidewalks, pathways, crosswalks and pedestrian nodes that shall be integrated within the overall Butler Development PUD to provide for a defined, interconnected system.
11. Redevelopment shall be consistent with the Comprehensive Plan policies that encourage the conversion of conventional shopping centers into more traditional, walkable centers.
12. Properties located outside of the Butler Development PUD shall be buffered from loading docks and outdoor uses that are within the Butler Development PUD.
13. The PD zoning ordinance shall establish standards for automobile-oriented uses such as drive-through facilities and structured parking to create and maintain the multi-modal character of the Butler Development PUD.





14. Individual service bays for automobile-oriented uses, including but not limited to gasoline and alternative fuel service stations, shall be located to the rear and/or interior side of buildings. A single entrance to interior service bays may be located on the side of the building.
  
15. The PD zoning ordinance shall identify the subareas where gasoline and alternative fuel service stations are allowed and the maximum allowed number of such service stations and associated fueling positions. New construction of gasoline and alternative fuel service stations that front public or private streets shall be designed to:
  - (a). Enhance safe pedestrian and bicycle circulation and access to any retail or restaurant facilities on site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the development plan to ensure pedestrian safety and comfort;
  - (b). Provide a pedestrian entry from sidewalks on the property frontage;
  - (c). Minimize the number and width of driveways;
  - (d). Include cross access or joint driveway connections to adjacent developments;
  - (e). Locate off-street parking to the rear and/or interior side of buildings;
  - (f). Locate fueling positions to the rear of buildings. Individual service bay doors shall not face a public or private street and shall be located to the rear and/or side interior of buildings; and
  - (g). Include architectural and site design that enhances the site area and promotes the City's multi-modal and design goals. At the development plan review, the design shall be reviewed for details such as, but not limited to, facade treatment, colors, glazing at pedestrian level, lighting, roof detail, signage, landscaping, building and gas canopy height, building location relative to the street, and location of access points.
  
16. Structured parking that fronts on public streets



shall be designed to include office or commercial uses on the first floor. Structured parking that is integrated with and connected to commercial, office, or multi-family residential buildings shall not be required to contain office or retail uses on the first floor.

Integrated/connected parking structures shall meet design standards specified in the PD zoning ordinance to ensure that building facades have sufficient articulation, especially on the ground floor level.

17. The PD zoning ordinance shall be consistent with the City's transportation mobility policies as adopted in the Comprehensive Plan.
18. Pedestrian/bicycle safety and comfort and pedestrian/bicycle connections among all uses, subareas, and external areas shall be maximized throughout the Butler Development PUD. Bicycle racks shall be located close to the main building entrances. Pedestrian facilities shall link streets, buildings, parking and open space areas within and among the subareas. A network of sidewalks and street trees shall be provided on all internal streets (public and private). Sidewalks and pathway connections shall be made from the internal pedestrian system to the public right-of-way adjoining the Butler Development PUD.
19. Bicycle lanes and/or routes shall be provided to all bus stops and buildings within the Butler Development PUD as well as to bus stops and development adjacent to the Butler Development PUD.
20. Parking requirements may be reduced below the required parking standards in the Land Development Code to encourage alternative modes of travel and to reduce the amount of surface parking. Parking spaces provided in a parking structure shall not count against the maximum number of allowable parking spaces when the parking structure is replacing surface parking area.
21. The Butler Development PUD shall include internal transportation connections within the Butler Development PUD as well as external transportation connections to development adjacent to the Butler Development PUD.
22. All private streets shall be constructed and maintained at the cost and expense of the owner in accordance with City standards for public streets. Main streets in town centers and



maneuvering lanes shall not be required to be built to public street standards.

23. Maneuvering lanes shall be allowed in all subareas and shall contribute to the internal grid-system framework. Maneuvering lanes shall be defined as vehicle use areas that connect off-street parking areas and that provide sidewalks and street trees on at least one side. On the side of a maneuvering lane that includes sidewalks and street trees, perpendicular vehicular access to parking areas shall be separated by at least 180 feet as

measured from centerline to centerline in order to enhance pedestrian comfort and safety. If a sidewalk and street trees are provided on only one side of a maneuvering lane, parking shall be allowed along only one side. If a sidewalk and street trees are provided on both sides of a maneuvering lane, parking shall be allowed along both sides.

24. Transportation Mobility Provisions.

- (a). S. Clark Butler Properties, LTD., and the City entered into a TCEA Zone M Agreement on January 3, 2012. An addendum to the agreement was executed on November 29, 2012.
- (b). The City recognizes that the TCEA Agreement remains valid, and transportation mitigation shall be required consistent with such, as long as the Butler Development has an adopted and valid PD zoning ordinance. Any amendments to this Comprehensive Plan policy or the Butler Development PD zoning ordinance that alter the trip generation or transportation analysis provided in Attachment 1 to the TCEA Zone M Agreement entered into on January 3, 2012, (“Butler Plaza Planned Development (Petition # PB-09-84 PDV) Transportation Analysis Executive Summary”) shall be subject to the transportation mobility requirements in effect at the time of amendment.
- (c). S. Clark Butler Properties, LTD., and the City agree that the TCEA Zone M Agreement satisfies the transit requirements for Phase 1A of the development (defined as 134,784 square feet of development). In addition, the Agreement includes all of the non-transit requirements for Phase 1 and Buildout as specified in Attachment 1 (“Butler Plaza Planned Development (Petition # PB-09-84 PDV) Transportation Analysis Executive Summary”).



- S. Clark Butler Properties, LTD., and the City agree that those requirements must be met by the times specified in the “Development Schedule” portion of the PD zoning ordinance.
- (d). S. Clark Butler Properties, LTD., and its successors and assigns, may choose to opt into the City’s Transportation Mobility Program (TMP) subject to an updated transportation study and analysis that would allow the City to evaluate the development for compliance with the TMP.
- (e). Streetscaping is an important component of the City’s transportation mobility planning because it enhances pedestrian comfort and visual aesthetics. Consistent with the Transportation Mobility Program policies in the Transportation Mobility Element, new development on public or private streets shall meet the 65-gallon street tree requirement on building frontages as well as take into consideration the Local Governments Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways Standards, Subsection 334.044(10)(A), F.S., Section 336.045, F.S., the MTPO Urban Design Standards for Landscaping, and GRU utility line clearance separation standards. Redevelopment sites shall be required to meet this policy for 50 percent of the required street trees. The front build-to line may be modified if there are existing utility or right-of-way constraints.
25. The Butler Development PUD shall provide operational and safety modifications required due to impacts on transportation facilities. Modifications required for operational and safety impacts that are site related shall not count toward meeting the agreed upon transportation requirements in the TCEA Zone M Agreement executed on January 3, 2012 (as modified by the Addendum executed November 29, 2012).
26. The PD zoning ordinance shall define the construction timeframe, design details, and extent of the SW 62<sup>nd</sup> Boulevard extension through the Butler Development PUD consistent with the intent of the MTPO design elements (alternative 4B-3) dated March 2, 2009. The incremental cost of construction (i.e., the cost of construction that is above and beyond the cost that would be incurred to construct a private 3-lane access drive per City standards, including sidewalks and bike lanes) calculated based on the Florida Department of Transportation generic cost per mile shall count toward meeting the agreed



upon transportation requirements in the TCEA Zone M Agreement executed on January 3, 2012 (as modified by the Addendum executed November 29, 2012). Upon completion of construction, the right-of-way shall be dedicated to the City subject to inspection and approval by the City. Within 90 days following the date of final adoption of the PD zoning ordinance, S. Clark Butler Properties, LTD., and its successors and assigns, shall at its expense obtain an appraisal of the land and shall provide a copy of the appraisal to the City for its review and approval. If the appraisal is approved, the appraised value (less the appraised value for any right-of-way that the City vacates for this road extension project) shall count toward meeting the agreed upon transportation requirements in the TCEA Zone M Agreement executed on January 3, 2012 (as modified by the Addendum executed November 29, 2012). There shall be no direct access to the Southwest 62<sup>nd</sup> Boulevard extension for outparcels; all access shall be from an internal road network and/or shared driveways.

27. Vehicular cross-access connections within development areas shall be maximized throughout the Butler Development PUD.
28. The PD zoning ordinance shall allow the Gainesville Regional Transit System to review all development plans affecting transit routes for the potential addition of new transit stops or improvements to existing transit facilities. In addition, the PD zoning ordinance or a Transit Transfer Station Agreement shall specify the requirements (including design, size, cost, timing of completion and location) for S. Clark Butler Properties, LTD., and its successors and assigns, to construct, at its expense, a transit transfer station and a park and ride lot within the Butler Development PUD, as approved by the Gainesville Regional Transit System. The park and ride lot shall provide at least 50 park-and-ride spaces in one location for transit users. The transit transfer station shall include restroom facilities, bicycle storage, a route map kiosk, and bays for a minimum of six (6) buses. Upon completion, the park and ride lot and the transit transfer station improvements and associated land shall be conveyed to the City at no cost.
29. In accordance with the PD zoning ordinance, S. Clark Butler Properties, LTD., and its successors and assigns, shall coordinate with FDOT to address transportation impacts that affect FDOT facilities. Proof of satisfying any FDOT requirements shall be provided to the City in the form of a letter or other written documents issued by the FDOT.



30. Future connectivity between the Butler Development PUD and the area west of I-75 is in the MTPO adopted Long Range Transportation Plan. The PD zoning ordinance shall specify details regarding the timing, dedication of right-of-way to the City and roadway design and construction (including sidewalks, bike lanes, or a multi-use path) for SW 30<sup>th</sup> Avenue from SW 40<sup>th</sup> Boulevard to SW 42<sup>nd</sup> Street. The PD zoning connection of this road segment to the proposed SW 30<sup>th</sup> Avenue bridge street system east of I-75. S. Clark Butler Properties, LTD., and its successors and assigns, shall dedicate at least 90 feet and up to 100 feet of right-of-way to the City for SW 30<sup>th</sup> Avenue between SW 40<sup>th</sup> Boulevard and SW 42<sup>nd</sup>

Street along the Butler Development PUD's southern boundary, except where it is contiguous to the Transit Transfer Station parcel in which case it shall be along that parcel's northern boundary. S. Clark Butler Properties, LTD., and its successors and assigns, shall obtain an appraisal at its expense and shall provide a copy to the City for its review and approval within 90 days of the date of final adoption of the PD zoning ordinance. The dedication of right-of-way and construction costs for the SW 30<sup>th</sup> Avenue improvements between SW 40<sup>th</sup> Boulevard and SW 42<sup>nd</sup> Street shall count toward meeting the agreed upon transportation requirements specified in the TCEA Zone M Agreement executed on January 3, 2012 (as modified by the Addendum executed November 29, 2012).

- b. Subarea 1. In addition to the conditions that apply to the entirety of the Butler Development PUD, the following additional conditions shall apply to Subarea 1:
  1. Development in this subarea shall establish a connected grid of public streets, private streets, and maneuvering lanes with a maximum block size of 3,200 feet in perimeter. Property boundaries adjacent to the PUD may be used to establish one or more sides of a block. The block size requirement shall not apply to shared stormwater facilities or park areas (active or passive recreation/open space).
  2. A minimum of 20% of Subarea 1 shall be designated as open space. This open space requirement shall be based on the entire subarea rather than specific parcel development. Open space may include, but is not limited to, stormwater management facilities when the perimeter includes public space or amenities such as parks, trails or paths, landscape or hardscape, plazas, squares, public commons, and/or open-air malls.



3. Large scale retail uses (defined for purposes of the Butler Development PUD as a retail use with a single-story building footprint that exceeds 100,000 square feet) in this subarea may have parking facilities located outside the front door of these retail uses.
- c. *Subarea 2.* In addition to the conditions that apply to the entirety of the Butler Development PUD, the following additional conditions shall apply to Subarea 2:
1. Design standards specified in the PD zoning ordinance shall establish a development pattern that is compatible with and transitions appropriately to the nearby Urban Village.
  2. This subarea shall contain a connected grid of public streets, private streets, and maneuvering lanes with a maximum block size of 2,000 feet in perimeter. Property boundaries adjacent to the PUD may be used to establish one or more sides of a block. The block size requirement shall not apply to shared stormwater facilities or park areas (active or passive recreation/open space).
  3. A minimum of 20% of Subarea 2 shall be designated as open space. This open space requirement shall be based on the entire subarea rather than specific parcel development. Open space may include, but is not limited to, stormwater management facilities when the perimeter includes public space or amenities such as parks, trails or paths, landscape or hardscape, plazas, squares, public commons, and/or open-air malls.
  4. Off-street parking shall not be located in front of buildings that front on SW 24<sup>th</sup> Avenue. The location of off-street parking on other streets shall be regulated by the PD zoning ordinance.
- d. *Subarea 3.* In addition to the conditions that apply to the entirety of the Butler Development PUD, the following additional conditions shall apply to Subarea 3:
1. All new development and redevelopment of existing buildings within Subarea 3 shall meet the design standards established in the PD zoning ordinance. The PD zoning ordinance shall establish a threshold that limits new development building square footage in Subareas 1 and 2 until a minimum amount of new square footage consistent with the town center design standards is under construction in Subarea 3.
  2. Development within Subarea 3 shall meet the following design standards, as may be more particularly described in the PD zoning



ordinance:

- (a). Standards that ensure compatibility among allowable uses and that provide a quality pedestrian experience by regulating building type, scale, overall building appearance outdoor uses and mechanical equipment, signage and landscaping, and location of parking.
  - (b). A connected grid of public streets, private streets, and maneuvering lanes with a maximum block size of 2,000 feet in perimeter. The block size requirement shall not apply to shared stormwater facilities or park areas (active or passive recreation/open space).
  - (c). A connected network of wide sidewalks that promotes safety, comfort, and convenience for pedestrians by linking streets, parking areas, buildings, and adjacent development.
  - (d). Compact design to encourage and accommodate walking.
  - (e). Building facades that are close to and facing the street, and generally aligned.
  - (f). Shade trees along all public and private streets in accordance with Comprehensive Plan policies.
  - (g). First floors of buildings shall incorporate levels of articulation and glazing to promote pedestrian interest.
  - (h). Terminated vistas.
  - (i). On-street parking where feasible and appropriate to building area and street type.
  - (j). Off-street parking located at the rear and/or side of buildings and away from pedestrian areas. Buildings fronting Archer Road may be allowed up to a double-loaded row of parking in front of a building front face.
  - (k). Design and architectural requirements for drive-through facilities that provide pedestrian safety and comfort, and establish a maximum number of drive-through lanes for any drive-through facility in the town center.
3. A minimum of 10% of Subarea 3 or town center areas shall be designated as open space. This open space requirement shall be based on the entire subarea rather than specific parcel





development. Open space may include, but is not limited to, stormwater management facilities when the perimeter includes public space or amenities such as parks, trails or paths, landscape or hardscape, plazas, squares, public commons, and/or open-air malls.

- e. *Subarea 4.* In addition to the conditions that apply to the entirety of the Butler Development PUD, the following additional conditions shall apply to Subarea 4:
1. Redevelopment shall include design features to transform drive aisles into a gridded, interconnected street network that may include maneuvering lanes. As drive aisles are transformed into public or private streets and/or maneuvering lanes, the parking areas shall include sidewalks, as deemed appropriate by the City during development plan review.
  2. Redevelopment shall establish a connected grid of public streets, private streets, and maneuvering lanes to establish a pedestrian-scaled street network. Pedestrian scale blocks may vary in size but should be generally no larger than 1,600 feet in perimeter. The maximum block size shall be 2,000 feet in perimeter. The block size requirement shall not apply to shared stormwater facilities or park areas (active or passive recreation/open space). The PD zoning ordinance shall establish thresholds associated with redevelopment of this subarea that include requirements for a street layout plan to establish the new street grid system.
  3. A minimum of 20% of Subarea 4 shall be designated as open space. This open space requirement shall be based on the entire subarea rather than specific parcel development. Open space may include, but is not limited to, stormwater management facilities when the perimeter includes public space or amenities such as parks, trails or paths, landscape or hardscape, plazas, squares, public commons, and/or open-air malls.
  4. Redevelopment shall include pedestrian pathways from the street to the fronts of buildings and to adjacent development as necessary to provide safe, direct and convenient access to building entrances and off-street parking. The pedestrian routes shall be direct and shall minimize potential conflicts with vehicles. For pedestrian safety and comfort, where a pedestrian route must proceed alongside or cross a parking lot or driveway, a separate path shall be provided with buffer landscaping and other amenities. In lieu of a separate path, a highly visible crosswalk made of materials



acceptable to the City and that provides a strong visual contrast between the pedestrian area and vehicular surface may be used.

5. A streetscape plan shall be required in conjunction with redevelopment plans for this subarea. Redevelopment along the Archer Road corridor shall be required to meet Comprehensive Plan streetscaping standards, as well as take into consideration the Local Governments Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways Standards, Subsection 334.044(10) (A), F.S., and Section 336.045, F.S., the MTPO Urban Design Standards for Landscaping, and GRU utility line clearance separation standards.
  
6. The PD zoning ordinance shall specify the details and timeframe for the dedication of additional right-of-way along both sides of the SW 62<sup>nd</sup> Boulevard extension from Archer Road to Windmeadows Boulevard as redevelopment occurs within this subarea that is adjacent to the extension. The value of the right-of-way shall be established by an appraisal that is submitted for review concurrent with an application for development plan review for development that is adjacent to the extension. S. Clark Butler Properties, LTD., and its successors and assigns, shall obtain the appraisal, at its sole expense, and shall provide a copy to the City for review and approval. If the appraisal is approved by the City, the appraised value shall count toward meeting the transportation mobility program requirements in effect at the time of development plan approval of the redevelopment. The credit for transportation mitigation shall not be given until the dedication occurs.

Policy 4.3.7 The City establishes the Urban Village, as mapped in the Future Land Use Element Map Series, to support and implement a long-term vision for redevelopment and development in an area proximate to the University of Florida campus.

- a. The long-term vision for redevelopment and development includes:
  1. Promoting infill development and redevelopment that supports a safe, comfortable, and attractive pedestrian environment with convenient interconnections to transit and bicycle facilities;
  2. Promoting street interconnectivity, a gridded street network, and connections among uses;
  3. Providing a complementary mix of land uses with appropriate



- densities and intensities that support transit usage, future bus rapid transit opportunities, and other multimodal opportunities;
4. Over time, attaining a high quality level of service for sidewalks, bicycle facilities, and transit facilities;
  5. Promoting the local innovation economy by providing locations for employment opportunities in close proximity to the University of Florida campus within a mixed-use setting;
  6. Promoting quality urban design that requires articulated front facades and places buildings and front entrances close to the sidewalk; and
  7. Promoting an attractive streetscape with appropriate street trees to provide shading and landscape interest and street furniture with a unified design appearance for the area.
- b. In order to achieve the long-term vision, new development of vacant properties and redevelopment of existing developed properties within the Urban Village shall be evaluated (taking into account the scale, size, nature, density and intensity of the proposed development or redevelopment) to determine which of the following requirements shall apply:
1. New development and redevelopment shall be transit supportive, which includes, but is not limited to: development at appropriate densities and intensities to support transit use (including bus rapid transit); provision of bus shelters with adequate lighting and bicycle storage facilities in appropriate and safe locations; provision of land for bus turnout facilities in appropriate locations; provision of land for smart bus bays in appropriate locations; and sidewalk and bicycle connections to transit stops. The appraised value of land dedicated for: dedicated transit lanes; construction of bus turnout facilities; construction of smart bus bays and other significant transit supportive capital improvements shall count toward meeting the transportation mobility requirements in effect at the time of development review.
  2. To establish transit-supportive densities, new development and redevelopment with a mix of residential and non-residential uses shall develop at a minimum residential density of 10 units per acre. To be considered mixed-use, a residential development shall include a minimum of 10,000 square feet of non-residential uses. To be considered mixed-use, a non-residential development shall contain a minimum of 3 residential units. New single-use, residential development shall



develop at a minimum density of 20 units per acre. New development that expands an existing single-use residential development on the existing site shall not be required to meet the 20 units per acre density requirement. The minimum density requirements do not apply to parcels smaller than 0.5 acre that existed prior to 12:01am on June 1, 2009 (the effective date of Ordinance No.080137, that annexed the Urban Village into the City of Gainesville), as documented by the City's records of that date.

3. In order to serve the development/redevelopment and establish a gridded roadway system in the Urban Village, new development and redevelopment shall dedicate land for right-of-way or construct streets. The appraised value of such land dedication and/or street construction shall count toward meeting the transportation mobility requirements in effect at

the time of development review. Stub-outs shall be provided for future interconnectivity where connections cannot be implemented at the time of development, due to off-site constraints.

4. New development and redevelopment shall include pedestrian scaled blocks that establish a pedestrian scaled street network throughout the Urban Village so that the transportation system in this neighborhood functions well for automobile drivers, transit riders, bicyclists and pedestrians. Pedestrian scale blocks vary in size but are generally no larger than 1,600 feet in perimeter. Where a pedestrian scaled street network is not feasible, the City may allow block sizes up to 3,200 feet in perimeter and may allow sidewalk and bicycle connections or multi-use paths to form the block perimeter. Land development regulations shall specify circumstances in which these exemptions from the maximum perimeter block size are appropriate. These circumstances may include, but are not limited to, locations where: the size or shape of the planning parcel makes inclusion of some streets infeasible, public stormwater or park facilities create impediments; there are regulated natural or archeological resources or regulated wetlands that would be negatively impacted; access management rules prohibit connections; utility constraints

make the block size infeasible; there are contamination sites; and the proposed block is inconsistent with City plans for a future street network in the area.

5. New development and redevelopment shall incorporate quality urban form that includes, but is not limited to: build-to lines,



façade articulation and glazing, minimum and maximum height, and building relationship to the street. Land development regulations shall specify further requirements for quality urban form.

6. New development and redevelopment shall use street types and building form standards that are consistent with the transect zoning district requirements in the Land Development Code.
- c. The following uses are prohibited in the Urban Village: Single-story, large-scale retail (defined as a single retail use with a ground floor footprint exceeding 100,000 square feet) and surface parking as a principal use.
- d. Structured parking is encouraged in the Urban Village.

Policy 4.3.8

The property governed by this policy shall be known as the University Corners Planned Use District (PUD) for land use purposes. The PUD property, as depicted on the map labeled University Corners PUD and Underlying Future Land Use in the Future Land Use Map Series, shall be governed by the following conditions:

- a. The uses permitted on the property shall be limited to commercial uses, general office and medical office uses, multi-family residential dwelling units (apartments or condominiums), a hotel, a place of religious assembly, and an above ground parking structure(s).
- b. The maximum building square footage permitted for the commercial, office, hotel and residential buildings shall not exceed in the aggregate 950,000 square feet.
- c. The maximum square footage permitted for the parking structure(s) shall not exceed in the aggregate 380,000 square feet.
- d. The maximum number of residential dwelling units shall not exceed 500 units. The maximum number of hotel rooms shall not exceed 250 rooms.
- e. Useable open space (open air plaza, open air arcades on the ground level, and open air pool/recreation areas on multiple building levels) shall be equal to or greater than 80,000 square feet.
- f. The maximum building height of all buildings (except the parking structure) is limited to 110 feet measured from grade level to the top of



the building plate. The tower features, stairs, elevators, and elevator machine room may exceed the maximum height.

- g. The maximum building height of the parking structure is limited to 110 feet measured from grade level to the top of the guard rail. The tower features, accessory recreational facilities, stairs, elevators, and elevator machine room may exceed the maximum height.
- h. The maximum number of stories for all buildings (except the parking structure) is limited to ten (10) stories above grade level.
- i. Vehicular access to the property shall be limited to ingress and egress from Northwest 14th Street, Northwest 3rd Avenue, and Northwest 13th Street (US 441). Pedestrian and bicycle access to the site shall be provided by sidewalks that surround the four sides of the property. There shall be a system of plazas, arcades and sidewalks that will provide access to all uses throughout the site.
- j. The owner/developer shall construct bus shelter(s) that are architecturally compatible with the development at the development site on either West University Avenue or Northwest 13th Street (US 441), or both, at a location(s) coordinated with the City Manager through the Gainesville Regional Transit System (RTS) and the Gainesville Public Works Department.
- k. This ordinance does not vest any development on the property described in Section 1 of this ordinance for concurrency as provided in the City's Comprehensive Plan. The owner/developer shall apply for and meet concurrency management standards at the time of application for development plan approval. An application for a Certificate of Final Concurrency must be submitted with the application for final development plan approval.

**Objective 4.4** Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.

Policy 4.4.1 Land use amendments should be prepared for all annexed properties within one year of annexation.

Policy 4.4.2 Alachua County LOS standards shall apply until newly annexed lands are given land use designations in this Plan.

**Objective 4.5** The City's land development regulations shall provide standards and guidelines that will regulate signage, subdivision of land, vehicle parking, and on-site traffic flow.



- Policy 4.5.1 The City shall regulate signage in the City of Gainesville through land development regulations.
- Policy 4.5.2 The City shall regulate the subdivision of land, vehicle parking, and on-site traffic flow through land development regulations.
- Objective 4.6 The City's Land Development Code shall provide a regulating mechanism to ensure consistency between the land use categories established in this Future Land Use Element and the zoning districts established in the Land Development Code.**
- Policy 4.6.1 The City's Land Development Code shall implement the land use categories created by this Comprehensive Plan and shall regulate all development until superseded by new land development regulations as required by this Comprehensive Plan. The Land Development Code shall designate the zoning districts that implement the land use categories created by this Comprehensive Plan. Proposed developments that do not fall within the parameters of existing zoning districts may be permitted to develop as Planned Developments and shall meet all the requirements of that zoning classification and the Future Land Use Element.
- Policy 4.6.2 Nothing in this Plan shall limit or modify the rights of any person to complete any development that has been issued a final development order prior of the adoption of this Plan, from which development has commenced and is continuing in good faith.
- Objective 4.7 A Special Area is established for the Idylwild/Serenola area that shall be subject to the policies and standards contained in this Section. Portions of the Idylwild/Serenola area that are not currently within city limits shall be subject to these policies and standards at such time as they may be annexed into the City.**
- Policy 4.7.1 The intent of this Special Area is to establish specific guidelines for the area identified as Idylwild/Serenola, generally bounded by Archer Road to the north, SW 13th Street to the east, Paynes Prairie to the south and east, and SW 34th Street and Interstate 75 to the west. Only a small portion of this area is currently within city limits and subject to these standards. To help with identification of the area and specific areas described herein, an Idylwild/Serenola Special Area Map (Special Area Study: Idylwild/Serenola in the Future Land Use Element Map Series), is incorporated by reference. Except where modified by the policies herein, all policies of the Plan shall be applicable within the special area. Where the specific policies conflict with general policies in the remainder of the plan, it is the intent that the policies herein shall prevail.
- Policy 4.7.2 To preserve and conserve significant natural resource areas, the following policies shall apply.



- a. Preservation of significant natural communities, listed species habitat, geological features, and areas of strategic ecosystems shall be encouraged through public or private acquisition where possible, and other appropriate methods of preservation.
- b. Appropriate conservation strategies shall be used to permit compatible development when acquisition is not possible. These development regulations are contained in the regulated natural and archeological resources development portion of the Land Development Code.

**Policy 4.7.3**

To preserve, maintain, and restore where necessary, areas containing extensive trees canopies, policies (a) and (b) below shall apply. Tree canopy areas are major existing areas containing a significant population of trees of a size and condition to be considered a significant environmental resource.

- a. The development regulations shall require a tree survey be submitted for all development proposed within designated “Tree Canopy Areas”. The survey shall be submitted at the time of development application.
- b. Development within Tree Canopy Areas shall utilize “cluster” design concepts where appropriate, concentrating development within given areas to minimize the impact of the proposed development. The development regulations shall provide for appropriate mitigation, if necessary.

**Policy 4.7.4**

To maintain developable or already developed lots in as much of a natural state as possible, the following policy shall apply in areas currently in residential use. The areas currently in residential use contain the densely tree-canopied, developed areas of the Idylwild, Serenola, and Malore Gardens neighborhoods.

- a. Innovative lot designs shall be encouraged through flexibility in the development regulations to maintain the natural character of the individual lots currently in residential use.

**Policy 4.7.5**

To protect listed species through habitat maintenance and appropriate development regulations, the following policies shall apply.

- a. The policies within the Conservation, Open Space and Groundwater Recharge Element of the Gainesville Comprehensive Plan shall apply as they relate to listed species.
- b. “Listed species,” meaning those species of plants and animals listed by federal or Florida law as endangered, threatened, or a species of special concern; and those species ranked by the FNAI as S1, S2 and S3 plants, and S1 animals, S2 animals and only S3 animals that are





breeding/nesting shall be afforded the legal protective status provided by law.

- c. The encroachment of development upon areas of listed species shall be discouraged through regulations contained in the regulated natural and archeological resources portion of the Land Development Code.

**Policy 4.7.6** Individual sites and areas of archeological significance shall be preserved, protected, or acquired, and wherever possible, enhanced. Policies (a) through (b) below shall apply to archeologically significant areas.

- a. The relocation of construction sites which coincide spatially with identified historical and archeological sites shall be encouraged.
- b. The development regulations shall establish minimum buffer areas around known archeologically significant areas.

**Policy 4.7.7** The City shall protect existing residential neighborhoods from encroachment of incompatible land uses in the Idylwild/Serenola Special Area; promote compatible land uses on adjacent properties; and encourage the type and intensity of land uses that are consistent with and compatible to the natural characteristics of the land.

**Policy 4.7.8** The policies governing land use in the special area are as follows:

- a. The 44 acres of the Idylwild/Serenola Special Area that were annexed by Ordinance No. 991231, if developed, shall be developed with no more than 88 residential units, each of which must be single-family and detached.
- b. Residential properties located adjacent to single-family residential neighborhoods should be developed at not higher than a 2 du/a increase in density above the density permitted on any adjacent land within 150 feet. Adjacent properties shall mean abutting properties or properties which are separated only by a private or County right-of-way or easement, but properties that are separated by an arterial street shall not be considered adjacent. Further increases may be permitted only for development shown to be sufficiently similar in character and intensity to existing uses so that compatibility is maintained. Techniques such as step-up in residential density, buffers, setbacks, screening, modest surface parking, and low-intensity lighting between uses—based on performance standards to be defined in the development regulations—may be utilized to provide such compatibility. All density increases for any portion of the 44-acre property annexed by Ordinance No. 991231 shall comply with Policy 4.9.8 a., which limits the total number of units for the entire, 44-acre property to 88, each of which must be single-family and detached.



- c. The natural constraints of the land shall be considered in light of any proposed development.
- d. Provide protection for environmentally significant areas. Specific criteria, standards, and procedures should be identified for development requests including provisions such as appropriate setbacks, buffers, mitigation and restoration requirements and provision of natural open areas.
- e. Provide for low density/intensity uses around environmentally significant areas such as Paynes Prairie.
- f. Provide through the development regulations a manner to reevaluate proposed development which has not developed after a designated period of time.

Policy 4.7.9 Provide the necessary infrastructure to sustain and support growth which maintains and enhances the quality of life within the Idylwild/Serenola neighborhood.

Policy 4.7.10 To provide for public water and centralized sewer system of adequate size and capacity to protect the sensitive environmental structure of the area, policies (a) through (e) below shall apply.

- a. Extend existing public water lines as appropriate to all approved new development within the Idylwild/Serenola neighborhood, appropriately looped to enhance flow. Such extensions shall be made in accordance with GRU extension policies.
- b. Extend centralized sanitary sewer facilities as appropriate to all approved new development. Such extensions shall be made in accordance with GRU extension policies.
- c. Coordinate the extension of water and sewer facilities with the expansion of the GRU treatment plant.
- d. Require all new development to tie into the extended water and sewer lines when capacity is available. Such connections shall be made in accordance with GRU policies.
- e. Prohibit new development within the neighborhood unless it is connected to a public water supply and a centralized sewer facility unless:
  - 1. the development is single-family in nature; and
  - 2. is being constructed on a lot of 3 acres or more; and
  - 3. receives the appropriate permits for either well use, on-site treatment, or both.



**Objective 4.8 Eliminate uses inconsistent with the adopted Future Land Use Map.**

Policy 4.8.1 The City shall implement land development regulations that eliminate or control those uses that are found to be inconsistent with the Future Land Use Plan. Land development regulations shall address the continued existence of legal non-conforming uses, and amortization schedules for signs and street graphics.

Policy 4.8.2 No legal, nonconforming use at the time this plan is adopted or amended shall be rendered illegal by this plan, except as provided in the land development regulations.

**GOAL 5 ENHANCE THE CITY'S URBAN FORM THROUGH THE IMPLEMENTATION OF DESIGN STANDARDS IN THE LAND DEVELOPMENT CODE AND THROUGH COORDINATION WITH THE UNIVERSITY OF FLORIDA.**

**Objective 5.1 Urban design standards established in the Land Development Code shall enhance the sense of place, improve the urban form, and provide for the safety and comfort of pedestrians, bicycles, transit, and other vehicles in the City. These standards shall reflect a commitment to improve and maintain the vitality of the City and its neighborhoods.**

Policy 5.1.1 Urban design standards established in the Land Development Code shall foster predictable built results and a high-quality public realm with clear distinctions between urban, suburban, and natural areas.

Policy 5.1.2 Urban design standards established in the Land Development Code shall address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

**Objective 5.2 Guide large, corporate, national chain sales and service establishments toward a design that promotes the unique character and identity of Gainesville.**

Policy 5.2.1 The City shall develop land development regulations that control facade articulation, building orientation, building location, automobile-oriented uses such as drive-throughs and gas stations, location and amount of parking, number of stories, outdoor lighting, compatibility with context, and quality of materials for large retail and service establishments in a manner that promotes civic pride, unique identity and land use objectives.

**Objective 5.3 The City shall coordinate with the University of Florida design efforts as contained within the Campus Master Plan and future design plans for Innovation Square.**



- Policy 5.3.1      The City shall collaborate with the University to strengthen the image of the City and the University through better design along University Avenue and West 13th Street.
- Policy 5.3.2      The City and the University shall collaborate to enhance the portions of SW 34th Street and Archer Road adjacent to the campus in order to promote more multi-modal, quality urbanism.
- Policy 5.3.3      The City shall collaborate with the University to improve the design and function of the Gateway Roads identified in the Campus Master Plan (SW 16th Avenue, Archer Road, SW 13th Street, University Avenue, SW 2nd Avenue, and SW 34th Street) through University participation on the Metropolitan Transportation Planning Organization and its committees, the College Park/University Heights CRA Advisory Board, and any boards or committees as may be created to address such issues.
- Objective 5.4      The City shall partner with neighborhoods to facilitate effective communication between the neighborhood residents and the City and develop specific actions to address neighborhood identified goals and improvements.**
- Policy 5.4.1      The City shall create heritage, conservation or other appropriate overlay districts as needed for neighborhood stabilization.

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Revised 03/04/02, Ord. 000620 & 001149  
Revised 04/26/04, Ord. 030466  
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Revised 02/21/13, Ord. 120209  
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Revised 07/17/14, Ord. 130435  
Revised 09/03/15, Ord. 150113  
Revised 04/07/16, Ord. 150441  
Revised 07/20/17, Ord. 140817



## Future Land Use Map Series

- 2013-2023 Generalized Future Land Use Map [Note: This map is on file at the Planning and Development Services Department.]
- Special Study Area - Idylwild/Serenola
- Plum Creek SR-121 PUD and Underlying Future Land Use
- Butler Development Underlying Future Land Use
- Butler Development PUD Future Land Use Overlay
- University Corners Underlying Future Land Use
- University Corners PUD Future Land Use Overlay
- Innovation Zone
- Urban Village
- Active Mine Sites
  
- *Environmentally Significant Land and Resources Map Series:*
  - 100-Year Floodplain
  - Wellfield Protection Zones
  - Floridan Aquifer High Recharge Area
  - Surface Waters & Wetlands
  - Strategic Ecosystems
  
- *Historic Preservation Map Series:*
  - Northeast Gainesville Residential Historic District
  - Pleasant Street Historic District
  - Southeast Gainesville Historic District
  - University Heights Historic District—North
  - University Heights Historic District—South
  - Designated Historically Significant Properties

## Goals, Objectives & Policies



# Conservation, Open Space & Groundwater Recharge Element

### GOAL 1

**ESTABLISH AND MAINTAIN AN INTEGRATED AND URBAN-DEFINING OPEN SPACE NETWORK THAT PROTECTS AND CONSERVES KEY ENVIRONMENTAL FEATURES.**

**Objective 1.1**    **The City shall protect significant environmental lands and resources identified in the Environmentally Significant Land and Resources Series within the Future Land Use Map Series. The City shall identify environmentally significant open space and recreation sites for acquisition.**

**Policy 1.1.1**    The following minimum standards shall be used to protect environmentally sensitive resources identified in the Geographic Information Systems (GIS) Map Library located on the City's Planning and Development Services Department website. The Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series shall be updated as annexations occur and when additional resources are identified; however, the GIS Map Library shall be the reference source for land use decisions and in applying land development regulations because it contains the most up-to-date, best available information. The City shall develop and adopt land development regulations that, at a minimum, meet the standards addressed below.

- a.    **Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a rebuttable presumption that development is detrimental to the regulated creek. Development must conform to applicable provisions of the land development regulations that prohibit**



development within a minimum of 35 feet of the break in slope at the top of the bank of any regulated creek.

- b. Wetlands: Developments containing wetlands must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority. Where impact is unavoidable, degradation or loss of function shall be minimized, and the applicant must demonstrate that the project is clearly in the public interest. The City shall develop and implement land development regulations that at a minimum:
  1. Establish criteria that are at least consistent with the relevant criteria of Section 373.414(1), F.S., for determining whether the project is clearly in the public interest.
  2. Require the use of the most current functional assessment methodology that is in use by regulatory agencies in Florida for determining mitigation requirements for impacts on wetlands.
  3. Specify wetland creation as a mitigation strategy that shall be considered only after substantial evidence, based on the functional assessment referenced in Policy 1.1.1.b.2., indicates that the preservation, enhancement, or restoration of existing wetlands is less desirable or effective as an option.
  4. Establish bonding, long-term monitoring and enforceable long-term maintenance requirements for wetland mitigation projects to ensure that the negative impacts have been mitigated. Monitoring reports shall be reviewed by the City of Gainesville or other appropriate monitoring agency or reviewing entity to ensure that mitigation criteria are met, with regulatory fees paid by the permitted applicant. The mitigation plan must be approved prior to the approval and initiation of the project.
  5. Require off-site mitigation to be performed within the same basin and sub-basin (the basins are depicted on the map entitled Wetland Mitigation Basins that is on file with the Planning & Development Services Department) in which the impact occurred, unless it is shown that mitigation within the basin is not feasible or that mitigation outside the basin is more appropriate. The order of preference for the location of the mitigated area(s) in relation to the impacted areas will be established in the land development regulations (LDRs).
  6. Require that development shall not cause indirect or secondary wetland impacts off-site.



7. Require a minimum buffer distance of 35 ft. and an average buffer distance of 50 feet between the landward extent of any wetland and the developed area. Larger buffers may be warranted. The criteria for buffer expansion will be developed in the land development regulations.
  8. Specify that the protections for wetlands shall be extended to all wetlands delineated in accordance with Chapter 62-340, F.A.C., regardless of whether they are currently mapped by the City of Gainesville.
  9. Require review and approval of wetland mitigation projects by qualified professionals.
  10. Require protection of listed species in wetlands.
  11. Require that wetlands impacted as a result of noncompliance or unauthorized excavation, filling, drainage, mechanical land clearing or other development activity on or subsequent to the effective date of this policy be, at the owner's expense, either restored to their original function and condition prior to such damage, or mitigated for pursuant to the mitigation requirements of this Comprehensive Plan or the Land Development Code.
- c. Lakes: Developments containing or adjacent to a natural lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be discouraged and other alternatives considered. Development shall be prohibited within 75 feet of the landward extent of a lake.
  - d. Wellfields: Development must be consistent with Policies 2.3.2 and 2.3.3 of this Element.
  - e. Floridan Aquifer High Recharge Areas: Development within this area must be consistent with Policies 2.3.3, 2.3.6, 2.3.7, and 2.3.8 of this Element.
  - f. Natural and Archaeological Resource Areas: Developments within or including an upland area identified as a significant natural community, listed species habitat, strategic ecosystem, significant geological resource feature, or a significant archaeological resource must submit a resource inventory and assessment for the parcel. Based on the inventory and any required verification of the extent of the resource area, land development regulations shall provide for the set-aside of identified resource areas for conservation and resource protection.





- Policy 1.1.2 Minimum buffer and/or setback distances for creeks, lakes, and wetlands designated as Outstanding Florida Waters, as listed in Rule 62-302.700, F.A.C., shall be established. The buffer and/or setback distances shall at a minimum meet the respective minimum buffer and/or setback distances established by Policy 1.1.1.
- Policy 1.1.3 The City shall keep in force land development regulations that require new developments to dedicate land and easements, within federal constitutional guidelines, particularly for the creation of buffers along and around surface waters and natural reservations and to facilitate the development of greenways and other open space.
- Policy 1.1.4 The City shall allocate a minimum of \$300,000 per year for the purchase and/or management of environmentally significant open space and of active and passive recreation sites.
- Policy 1.1.5 The City shall collaborate with local, regional and state environmental agencies (including Alachua County and the St. Johns and Suwannee River Water Management Districts) to develop basin management plans, which shall identify wetlands of special concern, disturbed wetlands, and appropriate sites for mitigation. The plans shall also consider those factors affecting the structure and functions of wetlands.
- Policy 1.1.6 The City shall incorporate by reference the General Soil Map – Alachua County Florida, that is in the Soil Survey of Alachua County (1985, United States Department of Agriculture, Soil Conservation Service).
- Objective 1.2 The City shall coordinate with Alachua County on the Alachua County Forever program, and with other potential funding sources for land acquisition for environmental and open space protection.**
- Policy 1.2.1 The City shall seek to maximize the protection of environmentally sensitive lands through the nomination of properties for acquisition with Alachua County Forever and other relevant funds.
- Policy 1.2.2 The City shall maintain a registry of real properties owned by the City of Gainesville that are acquired or used for conservation, recreation or cultural purposes, and that are deemed by the City Commission to be worthy of the highest level of protection.

## GOAL 2

### **MITIGATE THE EFFECTS OF GROWTH AND DEVELOPMENT ON ENVIRONMENTAL RESOURCES.**



- Objective 2.1**      **Wetland acreage and functions within the listed basins (shown on the map entitled Wetland Mitigation Basins that is on file with the Planning & Development Services Department) shall be maintained to the extent feasible through the planning period.**
- Policy 2.1.1      The City shall implement and update land development regulations designed to conserve wetland acreage and preserve natural functions within the listed basins (shown on the map entitled Wetland Mitigation Basins that is on file with the Planning & Development Services Department). When wetlands are unavoidably lost to development, mandatory mitigation shall be required to ensure no net loss of acreage and functions occurs. Mitigation location protocol shall follow Policy 1.1.1 b.5.
- Policy 2.1.2      Each basin management plan shall include, if technically and scientifically justifiable, the creation of one or more local mitigation banks or offsite regional mitigation areas in accordance with Section 373.4135, F.S.
- Objective 2.2**      **The City shall improve the quality of stormwater entering surface waters by requiring development and redevelopment to meet the adopted water quality standards of this Element and the Stormwater Management Element.**
- Policy 2.2.1      The City shall require stormwater quality treatment facilities for redevelopment.
- Policy 2.2.2      The City's land development regulations shall include provisions to reduce the amount of impervious parking surface allowed.
- Policy 2.2.3      The City's land development regulations shall include provisions that meet or exceed best management practices for stormwater management.
- Policy 2.2.4      The City's land development regulations shall require the handling of hazardous materials in such a way as to prevent degradation of the natural environment. At a minimum, this shall be achieved by complying with the Alachua County Hazardous Materials Management Code and the Alachua County Murphree Wellfield Protection Code, which:
- a.      Prohibit certain new hazardous materials facilities and underground storage tank systems from siting within the unconfined zone of the Floridan aquifer;
  - b.      Prohibit new hazardous materials facilities from siting within the primary and secondary wellfield protection zones of the Murphree wellfield, and establish requirements for siting of hazardous materials facilities within the tertiary protection zones of the Murphree wellfield.



Within the secondary zone, vehicular fuel storage subject to Section 376.317, F.S., may be allowed;

- c. Require new Class C and D hazardous materials facilities, as identified in the Alachua County Hazardous Materials Management Code, to maintain large setbacks from surface waters, wells, and floodplains; and
- d. Require stringent hazardous materials storage and containment designs, periodic monitoring, inspections, a management plan, fees, and penalties for non-compliance.

**Policy 2.2.5** The City's land development regulations shall supplement the standards of the applicable Water Management District to promote the maintenance of water quality in surface waters. Such standards include:

- a. Protecting the surface water resource by prohibiting excavation, filling, channelization, mechanized land clearing, and other development activities, except as may be authorized by the Land Development Code;
- b. Requiring sedimentation controls during and after construction;
- c. Protecting creek banks and vegetation;
- d. Requiring treatment of the first "one inch" of stormwater runoff; and
- e. Restoring previously channelized creeks identified for restoration by the City, when feasible.

**Policy 2.2.6** The City shall maintain an inventory of altered creek segments suitable for restoration to a more natural condition.

**Objective 2.3** **The City shall conserve and protect the quality and quantity of current and projected water sources through the planning period.**

**Policy 2.3.1** The City shall coordinate with the Alachua County Environmental Protection Department, the Florida Department of Environmental Protection (FDEP), the Water Management Districts, and the Environmental Protection Agency (EPA) and shall support the appropriate agencies with efforts to:

- a. Identify areas of pollution to surface waters and groundwater;
- b. Provide on-going monitoring programs that include periodic reports that describe environmental conditions and cleanup status; and



- c. Identify parties responsible for polluted areas, and require such parties to mitigate pollution problems.

**Policy 2.3.2** The City shall allow land uses and facility design within wellfield protection zones (and other “community water system” cones of influence as defined by Rule 62-550.200, F.A.C.) as identified in the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series, and that are in compliance with the Murphree Wellfield Protection Code.

**Policy 2.3.3** The City shall allow new development in commercial, institutional, and industrial districts to only place septic tanks:

- a. In compliance with the Wellfield Protection Special Use Permit process of the City’s Land Development Code, and if the development is in compliance with the Alachua County Hazardous Materials Management Code; and
- b. In areas not identified as regulated surface waters and wetland areas in the Environmentally Significant Land and Resources Map Series of the Future Land Use Map Series.

**Policy 2.3.4** The City shall maintain water conservation programs that are consistent with the Water Management Districts’ plans (Sections 373.175 & 373.246, F.S., and Chapters 40B-21 & 40C-21, F.A.C.). These programs shall include strategies to: deal with emergency conditions; implement public education campaigns regarding the nature of groundwater resources and the need to protect and conserve them; provide the public with information on water reuse systems; and employ potable water rate structures to encourage water conservation.

**Policy 2.3.5** The City shall cooperate with the water management districts during declared water shortage emergencies by conserving water resources and by assisting with the implementation of water shortage emergency declarations, orders, and plans.

**Policy 2.3.6** Pursuant to Section 373.0397, F.S., Water Management Districts are to map “prime” groundwater recharge areas for the Floridan aquifer. Should such areas be identified within City limits, the areas will be mapped and included in the adopted Comprehensive Plan, and City land development regulations shall be amended to protect such areas if they are not already protected by existing regulations and programs. City land development regulations shall protect the Floridan aquifer groundwater resource through recognition of geographic areas of relative vulnerability and high aquifer recharge characteristics. Mapping of these high aquifer recharge areas shall include surface waters that convey flow directly to groundwater via sinkholes (stream-to-sink surface



water basins), and areas where the Floridan aquifer is otherwise vulnerable or highly vulnerable to degradation through recharge from land surfaces.

- Policy 2.3.7** Until such time as prime groundwater recharge areas for the Floridan aquifer are mapped, the City shall use the map entitled “Floridan Aquifer High Recharge Area” of the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series, which is compiled from the Alachua County Floridan Aquifer High Recharge Area Map (Alachua County Environmental Protection Department, March 27, 2009) and modified for coverage of the Gainesville Urban Reserve Area. This map may be updated in the Geographic Information System (GIS) Map Library located on the City’s Planning and Development Services Department website for reference in land use decisions and in applying land development regulations for areas of relative vulnerability and high aquifer recharge.
- Policy 2.3.8** The City shall require effective groundwater recharge in accordance with the Gainesville Comprehensive Plan’s Stormwater Management Element, Objective 1.8 and Policy 1.8.1.
- Policy 2.3.9** Final development orders shall require compliance with State, County and City septic tank rules.
- Policy 2.3.10** The City shall inform the public of the requirements of Section 373.62, F.S., regarding automatic lawn sprinkler systems.
- Policy 2.3.11** The City shall conserve potable water supplies by using the methods shown in the Gainesville Comprehensive Plan’s Potable Water & Wastewater Element, Objective 1.5 and Policies 1.5.1 through 1.5.9.
- Objective 2.4** **The City shall amend its land development regulations as necessary to conserve natural systems of surface waters and wetlands; areas subject to high rates of Floridan aquifer recharge; listed species of plants and animals; significant natural communities, and other significant natural and archaeological resource areas, including strategic ecosystems and significant geological resource features; and minimize the spread of invasive vegetation. The adopted regulations shall be designed to maintain these characteristics and resources, and the functions and values which they provide, and allow development activities which are compatible with the conservation of these resource areas as identified in the Comprehensive Plan or by provisions of the Land Development Code.**
- Policy 2.4.1** The City shall maintain an updated inventory of identified environmentally significant resources in the Geographic Information System (GIS) Map Library located on the City’s Planning and Development Services Department website. If additional resources are identified or as annexations occur, these properties shall be subject to regulations keyed to the resource present at the



site. The Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series shall be updated as annexations occur and when additional resources are identified; however, the GIS Map Library shall be the reference source for land use decisions and in applying land development regulations because it contains the most up-to-date, best available information.

- Policy 2.4.2** The City shall maintain land development regulations that protect listed species of plants and animals, significant natural communities, significant geological resource features, and strategic ecosystems based on areas identified and described in the KBN/Golder Associates Report, "Alachua County Ecological Inventory Project" (1996). These regulations shall require that applications for development on parcels within the environmentally significant areas shall include an ecological inventory of the parcel that meets requirements specified in the Land Development Code.
- Policy 2.4.3** The City shall maintain guidelines for the design of stormwater basins that require the use of native vegetation and basin slopes suitable for stormwater treatment that promote highly diverse plant and animal habitats, particularly within stream-to-sink basins, and that enhance the hydrological and ecological functions of related wetland areas.
- Policy 2.4.4** Future road alignments shall minimize their impact on environmentally significant natural communities, wildlife corridors, and listed species habitats.
- Policy 2.4.5** The City shall require construction design consistent with existing terrain by discouraging contouring, cut and fill, or other practices that cause soil erosion.
- Policy 2.4.6** The City shall maintain land development regulations for regulated surface waters and wetlands that require:
- a. Buffers and/or setbacks from regulated surface waters and wetlands;
  - b. Development to minimize erosion and sediment pollution to regulated surface waters and wetlands;
  - c. No net increase in the rate of runoff from development sites adjacent to regulated surface waters and wetlands;
  - d. Retention or detention of runoff from developments adjacent to regulated surface waters and wetlands, through on-site filtration in accordance with the Public Works Design Manual;
  - e. Retention of vegetation integral to the ecological value of regulated surface waters and wetlands;



- f. Compliance with the City's adopted criteria for controlling sediment and erosion;
- g. Allowance of transfer of development intensity and density from lower to higher elevations of a site; and
- h. Prohibition on the installation of all septic tanks.

**Policy 2.4.7** The City shall periodically inventory environmentally significant plants, animals, and habitats within City-owned parks or open space parcels; update on an on-going basis a list of plants, animals, and habitats that are to be protected; and maintain and monitor the viability of populations of these plants and animals.

**Policy 2.4.8** The City shall coordinate with Alachua County, the U.S. Fish & Wildlife Service, the Florida Fish & Wildlife Conservation Commission, and the Florida Natural Areas Inventory to conserve environmentally significant natural communities. Such coordination may include the submittal of relevant land development proposals to these entities for comment and recommendation.

**Policy 2.4.9** The City shall protect floodplains and flood channels through land development regulations that at a minimum meet all applicable State and federal requirements and regulations.

**Policy 2.4.10** The City's land development regulations shall protect environmentally significant lands and resources by:

- a. Providing opportunities for alternative and innovative site development;
- b. Providing setback and parking standards;
- c. Providing mandatory mitigation to ensure no net loss of functions and values when wetlands are unavoidably lost;
- d. Allowing for, or requiring the clustering of development away from environmentally significant resources;
- e. Restricting on-site waste disposal systems; and,
- f. Allowing transfer of land use density and/or intensity to retain development potential from set-aside areas that are required to meet the goals, policies, and regulations of this Element and the Land Development Code.



Policy 2.4.11 Conservation strategies for significant natural communities, listed species habitats, and strategic ecosystem resources shall include, at a minimum:

- a. Conservation of natural resource of uplands, including areas of significant natural communities, listed species habitats, significant geological resources features and strategic ecosystem resource areas, through set-aside, management, and buffering requirements;
- b. Installation of native vegetation landscaping and removal of invasive trees and shrubs; and
- c. Setbacks.

**Objective 2.5 The City shall develop and maintain programs as necessary to ensure air quality levels comply with state and national ambient air quality standards through the planning period.**

Policy 2.5.1 The City shall develop new programs and strategies as may be needed, and continue existing policies that encourage public transit use, bicycling, walking, and higher urban development densities.

Policy 2.5.2 Except for designated incinerators and landfills, the City shall continue to prohibit the burning of refuse, trash or garbage, in accord with applicable provisions of Chapters 10 and 27, Gainesville Code of Ordinances.

**Objective 2.6 The City shall promote and practice natural resource conservation and pollution prevention in order to reduce negative impacts on the environment. To accomplish this, the City shall implement policies that encourage the conservation and protection of natural resources, energy conservation, and pollution prevention in this Element and other elements of the Comprehensive Plan (such as Solid Waste, Potable Water & Wastewater, Future Land Use, and Transportation Mobility).**

Policy 2.6.1 The City and GRU shall provide customers with education and incentive programs to encourage natural resource conservation, energy conservation, and pollution prevention.

Policy 2.6.2 The City shall maintain a Green Building Program that encourages environmentally friendly and energy-efficient construction.

### GOAL 3

**IMPROVE URBAN SPACES THROUGH PRESERVATION AND ENHANCEMENT OF THE URBAN FOREST. MAINTAIN THE CITY'S COMMITMENT TO PRESERVATION OF THE URBAN FOREST AND STREET TREES AS A DEFINING FEATURE OF OUR COMMUNITY.**





**Objective 3.1** Total tree canopy coverage within the City shall not fall below 50 percent, as estimated by the City Manager or designee, except in the event of natural catastrophe.

**Policy 3.1.1** The City shall plant at least 400 trees (or 650 inch-diameters at chest height) within City limits annually, and encourage developers and citizens to plant at least 600 trees annually. At least 75 percent of the trees should be native to north Florida.

**Policy 3.1.2** The City shall adopt land development regulations for new development that require the following:

- a. Use of “Florida-friendly landscaping” as defined in Section 373.185, F.S., and a reduction in allowable turf area;
- b. Energy conservation through tree and shrub canopy requirements in the Land Development Code that result in shade for buildings and pavement;
- c. Species diversity in new plantings in order to reduce the effect of tree species loss due to insect or disease outbreaks. No more than 50 percent of any one genus shall be allowed on any site plan, except within airport flight paths and street tree plantings. Although street tree diversity shall be attained citywide, a given street should be uniform with respect to genus, size, and shape; and
- d. A plan for the removal of invasive trees and shrubs, which shall be submitted at the time of development review.

**Policy 3.1.3** The City shall require that removal of regulated trees that are not subject to development plan approval shall be mitigated by on or off-site tree planting (or an equivalent payment in lieu).

**Policy 3.1.4** The City shall promote tree-lined streetscapes that preserve trees and are compatible with existing infrastructure. Strategies such as placing overhead utilities underground, using aerial (tree) cabling, planting trees compatible with overhead utilities and reserving street right-of-way for trees shall be implemented, when economically feasible. All trimming within the public right-of-way shall follow the standards of the American National Standards Institute (ANSI) A300 and Z133.1, in order to minimize the physical and aesthetic harm to trees that must be pruned.

**Policy 3.1.5** The City shall remove invasive trees and shrubs from its rights-of-way and property, and shall inform private property owners of the benefits of removing invasive vegetation.



- Policy 3.1.6 The City shall exclude invasive vegetation from plant material permitted in landscape plans, and continue to encourage the use of native plants in landscape plans.
- Policy 3.1.7 The City shall maintain land development regulations that protect heritage, champion, and other regulated trees as an important community resource. The regulations at a minimum shall include provisions for:
- a. Modifications to land development regulations in order to protect and preserve regulated trees;
  - b. Levying of fines for the unlawful removal of trees as provided by the Code of Ordinances;
  - c. Setback requirements to protect trees before, during and after construction; and
  - d. Adequate underground space for root development of newly planted trees.

#### **GOAL 4**

#### **PROVIDE ONGOING MONITORING OF ENVIRONMENTAL RESOURCES AND MITIGATE CURRENT POLLUTION PROBLEMS AND POTENTIAL POINT SOURCES OF POLLUTION.**

- Objective 4.1** The City shall identify pollution problems and parties responsible, and establish strategies to mitigate, remediate, or assist in the mitigation or remediation of these problems in all watersheds within Gainesville's city limits.
- Policy 4.1.1 The City shall maintain its National Pollutant Discharge Elimination System (NPDES) permit from FDEP in order to improve surface water quality.
- Policy 4.1.2 The City shall explore projects for improving water quality in its watersheds.
- Policy 4.1.3 To enhance the quality of water entering Sweetwater Branch, the City shall complete the construction of a master stormwater basin to treat flow from downtown Gainesville.
- Policy 4.1.4 The City shall complete the Payne's Prairie Sheet Flow Restoration project during the planning period.
- Policy 4.1.5 The City shall remain actively engaged as a stakeholder in the cleanup of the Cabot Carbon/Koppers Superfund Site.



**Policy 4.1.6**

**The City shall coordinate with the Alachua County Environmental Protection Department and other governmental entities in identifying pollution problems and providing documentation and other relevant assistance as appropriate and feasible towards the mitigation and remediation of pollution problems, including assistance as necessary in cases where sanctions may be imposed for violations of applicable environmental regulations.**

Goals, Objectives  
& Policies



# Transportation Mobility Element

**OVERALL GOAL: ESTABLISH A TRANSPORTATION SYSTEM THAT ENHANCES COMPACT DEVELOPMENT, REDEVELOPMENT, AND QUALITY OF LIFE, THAT IS SENSITIVE TO CULTURAL AND ENVIRONMENTAL AMENITIES, AND THAT IMPLEMENTS THE VISION OF THE “YEAR 2035 LONG RANGE TRANSPORTATION PLAN” WITHIN THE CITY OF GAINESVILLE. THE TRANSPORTATION SYSTEM SHALL BE DESIGNED TO MEET THE NEEDS OF PEDESTRIANS, BICYCLISTS, TRANSIT, AND AUTO USERS. SAFETY AND EFFICIENCY SHALL BE ENHANCED BY LIMITATIONS AND CARE IN THE LOCATIONS OF DRIVEWAYS, PROVISION OF SIDEWALK CONNECTIONS WITHIN DEVELOPMENTS, AND AN OVERALL EFFORT TO ENHANCE AND ENCOURAGE PEDESTRIAN MOBILITY THROUGHOUT THE COMMUNITY BY IMPROVEMENT AND PROVISION OF SAFE CROSSINGS, COMPLETE SIDEWALK AND TRAIL SYSTEMS, AND SIDEWALKS OF ADEQUATE WIDTHS. BASIC TRANSPORTATION SHOULD BE PROVIDED FOR TRANSPORTATION-DISADVANTAGED RESIDENTS TO EMPLOYMENT, EDUCATIONAL FACILITIES, AND BASIC SERVICES.**

**GOAL 1**

**ADOPT TRANSPORTATION MOBILITY LEVELS OF SERVICE.**

**Objective 1.1 The City shall adopt the following transportation mobility levels of service (LOS). These levels of service are solely for planning purposes and are not used to apply transportation concurrency.**

**Policy 1.1.1 Roadway LOS:**

Revised 08/12/02, Ord. 000515  
Revised 04/26/04, Ord. 030466  
Revised 12/17/09, Ord. 090184  
Revised 08/15/13, Ord. 120370  
Revised 07/20/17, Ord. 140817



- a. The LOS for all roadways in city limits shall be LOS E, except for I-75 and roadways operating as backlogged or constrained.
- b. The LOS for I-75 segments that fall within city limits shall be maintained at LOS D to the extent feasible, recognizing that I-75 serves land areas and traffic outside city limits.
- c. The City shall attempt to maintain the 2012 operating LOS on all backlogged and constrained roadways in city limits.

**Policy 1.1.2 Transit LOS:**

- a. The City shall strive to provide fixed-route transit service within ¼ mile of 80% of all medium and high density residential areas identified on the Future Land Use Map, and within the RTS service area.
- b. The City shall strive to provide peak hour frequencies of 20 minutes or less within ¼ mile of all high density residential and UMU-1 and UMU-2 land use areas in city limits.
- c. The City shall strive to provide and maintain fixed-route transit service to all Existing Transit Hubs & Transit-Supportive Areas (as mapped in the Transportation Mobility Map Series) with peak hour frequencies of 30 minutes or less.
- d. The City shall strive to operate 80% of fixed-route transit routes for at least 14 hours per day.

**Policy 1.1.3 Pedestrian LOS:**

- a. The City shall install at least one linear mile of sidewalk annually to retrofit existing areas without sidewalks.
- b. The City's Land Development Code shall require sidewalk construction for all new development, except in areas designated with the Industrial land use category.
- c. New streets shall be designed and constructed to include sidewalks.

**Policy 1.1.4 Bicycle and Trail LOS:**

- a. The City shall add an average of at least one mile of bicycle facilities annually, including multi-modal trails.
- b. New streets shall be designed and constructed to include bicycle facilities.



## GOAL 2

**DEVELOP AND MAINTAIN A SAFE, CONVENIENT, AND ENERGY EFFICIENT MOTORIZED AND NON-MOTORIZED TRANSPORTATION SYSTEM TO ACCOMMODATE THE SPECIAL NEEDS OF THE SERVICE POPULATION AND THE TRANSPORTATION DISADVANTAGED THAT PROVIDES ACCESS TO MAJOR TRIP GENERATORS AND ATTRACTORS.**

**Objective 2.1 Create an environment that promotes transportation choices, compact development, and a livable city.**

Policy 2.1.1 The City shall enhance the multi-modal transportation system between downtown and the University of Florida (UF) to improve connectivity and promote transportation choice and livability.

Policy 2.1.2 The City shall promote transportation choice, healthy residential and non-residential development, safety, and convenience.

Policy 2.1.3 The City shall support the “Multimodal Emphasis Corridor” designation on 13<sup>th</sup> Street from SW 16<sup>th</sup> Avenue to NW 23<sup>rd</sup> Avenue as shown in the Long Range Transportation Plan Update.

Policy 2.1.4 The City shall coordinate with FDOT to reduce large truck traffic on streets that are not designated truck routes, and direct such traffic to designated truck routes. Improved signs and enforcement shall direct non-local or through trucks to the designated truck route.

Policy 2.1.5 The City shall ensure that street modifications support land use, housing choice, and transportation choice objectives.

Policy 2.1.6 The City shall use “Complete Streets” principles to ensure that roadways are planned, designed, and maintained for safe use by users of all ages and abilities, including pedestrians, bicyclists, transit users, motorists, and freight vehicles.

Policy 2.1.7 The City shall coordinate with UF to ensure that the Campus Master Plan is consistent with the goals, objectives and policies of the Transportation Mobility Element of the Comprehensive Plan.

Policy 2.1.8 The City, in accordance with the policy adopted by the MTPO in 1999, shall avoid using biased transportation terminology.

Policy 2.1.9 The City shall encourage the installation of parking garages and shared parking lots within neighborhood (activity) centers, employment centers, and



the area between downtown and the UF campus. The land development code shall be amended to ensure that such parking meets performance objectives.

- Policy 2.1.10 The City shall use “Context Sensitive Street Design” principles to design transportation facilities that consider the total context within which a transportation project will exist and develop transportation projects that fit the physical setting and preserve scenic, aesthetic, historic and environmental resources while maintaining safety and mobility for all users.
- Policy 2.1.11 Development plans for new developments and redevelopment of residential and non-residential sites shall show any existing and proposed bicycle and pedestrian access to adjacent properties and transit stops.
- Policy 2.1.12 New development will be encouraged to provide pedestrian/bicycle connections to nearby land uses such as schools, parks, retail, office, and residential when feasible.
- Objective 2.2 Ensure that Future Land Use Map designations promote transportation objectives by designating transit-supportive densities in appropriate locations to support transportation choice.**
- Policy 2.2.1 The City’s Future Land Use Map shall remain consistent with transportation choice strategies.
- Objective 2.3 Ensure that the City coordinates with the Year 2035 Long Range Transportation Plan and other plans of the MTPO for the Gainesville urbanized area, the Florida Transportation Plan, and the FDOT’s Adopted Work Program.**
- Policy 2.3.1 The City shall coordinate with the MTPO in the Gainesville urbanized area, the FDOT, UF, and other related state and regional and local agencies to implement land use, transportation, and parking policies that promote transportation choice.
- Policy 2.3.2 The City shall coordinate with FDOT and Alachua County to implement Access Management regulations.
- Policy 2.3.3 The City shall propose transportation projects that affect the City to the MTPO for consideration in the 5-Year Transportation Improvement Program.
- Policy 2.3.4 The City shall coordinate with FDOT, MTPO, the Community Traffic Safety Team, and Alachua County to improve transportation system management and enhance safety by the continued expansion and upgrade of the Traffic Management System, and by installing traffic signal priority control for emergency vehicles and buses.



- Policy 2.3.5 The City shall assist the MTPO in annually issuing a Level of Service Report on all GUATS system roadways and shall coordinate with the MTPO to designate backlogged and constrained facilities; these designations shall be amended as appropriate to reflect updated traffic count information and system improvements.
- Policy 2.3.6 The City shall strive to implement transportation-related aspects of Plan East Gainesville, including, but not limited to:
- a. Coordinating with the MTPO to establish a Bus Rapid Transit system connecting east Gainesville with centers of employment and commerce;
  - b. Coordinating with the MTPO and FDOT on the implementation of the Waldo Road Multi-Way Boulevard (with limits from University Avenue to NE 39<sup>th</sup> Avenue) listed in the MTPO 2035 Cost-feasible Plan; and
  - c. As road reconstruction occurs, including in the transportation network provisions for bicyclists, transit users, and pedestrians on NE 15th Street, East University Avenue, Main Street, and NE 8th Avenue, where applicable.

**Objective 12.4 Protect existing and future rights-of-way from building encroachment to the extent that doing so promotes transportation choice.**

Policy 2.4.1 The City shall collaborate with FDOT, MTPO, and Alachua County to identify future transportation rights-of-way and to provide for development regulations and acquisition programs that will protect such corridors for their intended future use. Such protection and long-range planning shall include pedestrian, bicycle, car, and transit facilities.

### GOAL 3

**THE CITY SHALL BECOME A NATIONAL MODEL FOR AN ENHANCED COMMUNITY TRANSIT SYSTEM WITH A VARIETY OF TRANSPORTATION SERVICES THAT PROVIDE A SAFE, CONVENIENT, ACCESSIBLE, COMFORTABLE, CONTINUOUS, AND AESTHETICALLY PLEASING TRANSPORTATION ENVIRONMENT THAT PROMOTES WALKING AND TRANSIT USE. SERVICE SHALL BE PROVIDED WITH THE CLEANEST, QUIETEST, AND MOST ENERGY EFFICIENT EQUIPMENT FEASIBLE.**

**Objective 3.1 Establish land use designations and encourage development plans that reduce vehicle miles traveled and are transit supportive.**





- Policy 3.1.1** The City shall inventory and prioritize all arterial, collector, and local street segments that have sidewalk gaps, and shall maintain such inventory on the City’s Geographic Information System (GIS) library to assist in the identification of gaps and priorities. The following criteria shall be used in prioritizing sidewalk gap improvements: (1) proximity to public schools; (2) proximity to major public parks or cultural facilities; (3) proximity to high density residential and commercial areas, or any area exhibiting (or potentially exhibiting) a high volume of walking; (4) proximity to the Traditional City; (5) arterial and collector streets; (6) proximity to transit routes; and (7) proximity to areas of significant blight.
- Policy 3.1.2** The City shall identify arterial and collector segments that should be made more walkable. Raised medians, wider sidewalks, and on-street parking should be used, where feasible, on these selected arterials and collector streets within, or adjacent to, the urban area and particularly within pedestrian-oriented areas, such as downtown, UF, and other mixed-use areas.
- Policy 3.1.3** The City shall use the “Complete Streets” principles in the design of all new streets.
- Policy 3.1.4** Development and redevelopment projects shall be encouraged to provide bicycle and pedestrian access to adjacent properties. Connectivity or stub-outs for future connections shall be included in development and redevelopment plans.
- Policy 3.1.5** Street intersection modification, street construction, restriping, reconstruction, and resurfacing shall not increase the difficulty of bicycle, transit, and pedestrian travel. Such changes shall include safety features for bicycles, transit, and pedestrians to offset any negative impact the modification may otherwise create.
- Policy 3.1.6** The City shall establish, as feasible and appropriate, pedestrian mid-block refuge areas at street mid-points, particularly for streets with continuous left-turn lanes, areas where a large volume of pedestrians and bicyclists are expected or encouraged, and 5 and 7-lane streets (or any street with a crossing distance greater than 60 feet). For streets within city limits that are not under the City’s maintenance responsibility, the City shall coordinate with the governmental unit that has maintenance responsibility to request placement of pedestrian mid-block refuge areas where feasible and appropriate.
- Policy 3.1.7** The City shall promote walking, transit use, and bicycling in new development and redevelopment by establishing modest, human-scaled dimensions such as small street blocks, pedestrian-scaled street and building design, ample sidewalks to carry significant pedestrian traffic, and improved access to transit stops.



- Policy 3.1.8 The City shall collaborate with FDOT to implement the Long Range Transportation Plan that designates University Avenue from Waldo Road to NW 34<sup>th</sup> Street as a Multimodal Emphasis Corridor.
- Policy 3.1.9 The City's Land Development Code shall require new development and redevelopment to provide safe and convenient on-site pedestrian circulation with features such as, but not limited to, sidewalks and crosswalks that connect buildings, transit stops, and parking areas at the development site.
- Policy 3.1.10 At least 5 feet of unobstructed width shall be maintained on all sidewalks, except as necessitated by specific physical and/or natural feature constraints that require a more narrow dimension for a short length within a standard width sidewalk. Under no circumstances shall the sidewalk be less than 36 inches in width. Sidewalks shall be free of signs, furniture, and other pedestrian obstacles that reduce the useable width of the sidewalk.
- Objective 3.2 Design the City Regional Transit System (RTS) to strike a balance between the needs of those who are transit-dependent and those who have a choice about using the transit system and make up a substantially larger market. The transit system shall serve major trip generators and attractors such as the UF campus, existing transit hubs, and transit supportive areas with safe, pleasant and convenient transit stops, while also providing for the transportation-disadvantaged. Increase transit ridership consistent with the goals in the Transit Development Plan.**
- Policy 3.2.1 The City shall strive to increase the amount of land designated for multi-family development, when appropriate, on the Future Land Use Map near existing transit hubs or transit-supportive areas.
- Policy 3.2.2 The City shall strive to link its land use and transportation planning by using the Transportation Mobility Program.
- Policy 3.2.3 The City shall evaluate transit stops in city limits to identify needs for improvements such as well-designed shelters, bicycle parking, route information, benches, waste receptacles, or the need for new transit stop locations.
- Policy 3.2.4 The City shall acquire additional buses to accommodate expanded services and increased ridership.
- Policy 3.2.5 The City shall support expansion of the Employee Bus Pass Program.
- Policy 3.2.6 Upon completion of the Go Enhance RTS study, if a Bus Rapid Transit (BRT) route is found to be feasible, the City shall implement the BRT route by FY 2015 if sufficient funding for capital and operating costs from developers and other sources is available to support the route. In the interim period, the City



shall explore express bus service on that route as a precursor to eventual BRT service, if funding is available.

Policy 3.2.7 The City shall equip new RTS transit shelters with easy-to-understand timetable and route information and an easily recognizable RTS logo.

Policy 3.2.8 The City transit service shall be enhanced to improve reliability, availability, comfort, and convenience.

#### **GOAL 4**

### **PROVIDE A SAFE, CONVENIENT, EFFICIENT, CONTINUOUS, AND AESTHETICALLY PLEASING TRANSPORTATION ENVIRONMENT THAT IS CONDUCTIVE TO BICYCLING.**

**Objective 4.1 Strive to increase the number of bicycle trips within city limits.**

Policy 4.1.1 The City shall strive to provide an interconnected bicycle system with a route to every major destination in the City.

Policy 4.1.2 The City, in cooperation with the County and FDOT, shall strive to ensure that the installation of a turn lane will retain or include a continuous bike lane on the curb lane through the intersection, consistent with FDOT design standards for road facilities.

Policy 4.1.3 The City, in cooperation with the County and FDOT, shall install or encourage the installation of bicycle detection devices at traffic-activated signals on arterial and collector streets, consistent with FDOT standards.

Policy 4.1.4 Traffic signalization should be context sensitive in areas of high pedestrian and bicycle use.

Policy 4.1.5 The City shall identify all arterials and collector segments that are not currently designed for in-street bicycle transportation and determine the most appropriate design to accommodate such transportation, where appropriate. The City's Bicycle/Pedestrian Advisory Board shall be consulted to prioritize such modifications.

Policy 4.1.6 The following criteria shall be used in prioritizing bicycle facility improvements: (1) proximity to major public parks or cultural facilities, public schools, high-density residential and commercial areas, or any area exhibiting (or potentially exhibiting) a relatively high volume of bicycle traffic; (2) arterial and collector streets; (3) promotion of bicycle route continuity; (4) lack of alternative parallel routes; (5) streets serving important transit stops such as Park and Ride ; (6) areas exhibiting a high incidence of car crashes with bicycles; and (7) proximity to the Traditional City.



- Policy 4.1.7 New construction, reconstruction, and resurfacing of arterials and collectors shall be designed using “Complete Streets” and “Context Sensitive Street Design” principles.
- Policy 4.1.8 The City shall equip each transit system bus to carry bicycles.
- Policy 4.1.9 All new Park and Ride lots shall be designed to accommodate bicycle parking.
- Policy 4.1.10 The City shall strive to have bicycle parking facilities designed in conformance with City bicycle parking standards at all appropriate transit stops and transfer points within city limits.
- Policy 4.1.11 The City shall support bicycle and pedestrian safety programs in Alachua County schools.
- Policy 4.1.12 The City shall support implementation of the Alachua Countywide Bicycle Master Plan adopted by the Metropolitan Planning Organization in 2001 to the extent that it does not conflict with policies in this Comprehensive Plan.

**Objective 4.2 Improve bicycle-related security.**

- Policy 4.2.1 The City’s bicycle parking design guidelines shall allow only bicycle racks that provide durability, security, ease of use, attractiveness, adaptability to different styles of bicycles and lock types, and minimal hazard to pedestrians. Examples include bicycle lockers and the “inverted U” bicycle rack.

**GOAL 5**

**DEVELOP AN INTERCONNECTED TRAILS NETWORK THROUGHOUT THE URBAN AREA.**

**Objective 5.1 Develop and expand a trail network that provides multi-modal transportation opportunities for bicyclists and pedestrians.**

- Policy 5.1.1 The City shall fill gaps in the Trail Network, as identified as Future Off-Road Trails on the map labeled Off-Street Paved Trail Network in the Transportation Mobility Map Series.
- Policy 5.1.2 The City shall extend the Trail Network by cooperating with Alachua County’s efforts to expand the Network—both for corridor acquisition and trail construction—particularly for extensions of the Archer Braid Trail within city limits.



- Policy 5.1.3 The City shall require new development and redevelopment to provide pedestrian and bicycle access to nearby trails, where feasible, or to enable a future retrofit connection.
- Policy 5.1.4 The City shall evaluate public lands for pedestrian and bicycle trail connections that link various land use destinations. Utility and stormwater management rights-of-way and easements will also be evaluated for such connections.
- Policy 5.1.5 The City shall strive to make conversions of rail corridors to rail-trails permanent and not subject to revision, unless a “rails-with-trails” program is established.
- Policy 5.1.6 The City shall encourage adaptive re-use of rarely used or out-of-service rail spurs into bicycle, transit, and pedestrian facilities.
- Policy 5.1.7 Rail-banking shall be pursued as a way to promote additional trail opportunities and to keep options open for future inter-city passenger rail corridors.

## GOAL 6

### **PROMOTE A MIX OF USES SUCH AS CAR TRAVEL, TRANSIT, AND BICYCLING BY DESIGNING STREETS USING “COMPLETE STREETS” AND “CONTEXT SENSITIVE STREETS” DESIGN PRINCIPLES.**

- Objective 6.1 Apply “Complete Streets” and “Context Sensitive Streets” design principles to create a safe, balanced, livable transportation system that can be used for all forms of travel to the benefit of neighborhoods, local businesses, and the overall community.**
- Policy 6.1.1 The City shall use context-appropriate design features to create a more livable transportation system throughout the City that is rich in transportation choice.
- Policy 6.1.2 Use traffic calming, where appropriate, to promote transportation choice, reduce the negative impacts of car travel, alter driver behavior, and improve conditions for non-motorized street users.
- Policy 6.1.3 The City shall use the “City of Gainesville Engineering Design & Construction Manual” for street design and geometrics on City-maintained streets.
- Policy 6.1.4 The City shall use street resurfacing projects as an opportunity to install or enhance sidewalks, bicycle lanes, raised medians, and brick or brick-imprinted, paver, or painted crosswalks, where feasible. If not a City project,



the City shall recommend that the State or the County make such enhancements.

- Policy 6.1.5 The City shall collaborate with the State and the County to design roadways that promote safety, provide pedestrian refuge, promote traffic calming, and provide space for landscaping.
- Policy 6.1.6 The street layout of new developments shall be coordinated with the streets and parking of surrounding areas. This shall be done by establishing street connections to adjacent or potentially adjacent streets and parking lots, when feasible, unless natural features prevent such a connection. When not feasible, the end of the street shall establish a right-of-way connection to adjacent, off-site property so that a future motorized or non-motorized connection to an adjacent street or property is not foreclosed.
- Policy 6.1.7 The City shall set aside at least one day each year as a designated and publicized sustainable transportation day to encourage citizens to switch from single-occupant car use to another commuting form of travel.

## GOAL 7

### **STRIVE TO REDUCE SINGLE-OCCUPANT VEHICLE TRIPS WITHIN THE GAINESVILLE METROPOLITAN AREA.**

- Objective 7.1 Provide multi-modal opportunities and mixed-use development areas to reduce single-occupant automobile trips and reduce vehicle miles traveled.**
- Policy 7.1.1 The maximum number of travel lanes for a new or widened street within city limits shall not exceed 4 travel lanes, except for I-75.
- Policy 7.1.2 The City shall review turn lanes on a case-by-case basis to ensure that intersections are safe for all modes of travel.
- Policy 7.1.3 The City shall periodically review the Land Development Code to ensure that parking standards are adequate to meet the needs of the community.
- Policy 7.1.4 The City shall encourage new public and private schools to provide bicycle and pedestrian connections to nearby residentially designated lands.
- Policy 7.1.5 The City shall use the Transportation Mobility Program Area as mapped in the Transportation Mobility Element Data and Analysis Report to encourage redevelopment within the City, and to promote transportation choices.



- Policy 7.1.6** Whenever redevelopment or reuse of a site would result in the combination of one or more parcels of land that had previously operated as separate uses with separate driveways and parking, but are now proposed to operate jointly or to share parking facilities, the total number and location and width of driveways shall be reviewed. In order to reduce access points on the street system, driveways shall be eliminated when the area served can be connected within the site.
- Policy 7.1.7** The City shall coordinate the transportation network with the land uses shown on the Future Land Use Map Series in order to encourage compact development patterns, provide safe and convenient access for work, school, shopping, and service-related trips, protect the cultural and environmental amenities of the City, and protect the integrity of the Florida Strategic Intermodal System.
- Policy 7.1.8** The City shall encourage large employers to develop incentives for employees to reduce single-occupant vehicle trips to work, such as flex hours, subsidized transit passes, or parking cash-out policies.
- Objective 7.2** **Use the Transportation Mobility Program policies to improve the land use and transportation planning connection and reduce traffic congestion.**
- Policy 7.2.1** Widening a street shall not be used as a first response strategy to reduce car congestion. The City shall consider alternative solutions such as intersection modification, signal timing, roundabouts, and strategies that promote transit use, bicycling, and walking.
- Policy 7.2.2** The City shall encourage the use of sustainable forms of travel, more transportation choice, and a better retail environment to reduce traffic congestion and improve the City's transportation level of service.
- Policy 7.2.3** The Transportation Mobility Program shall promote multi-modal opportunities and better land use planning.

## **GOAL 8**

### **CREATE A TRANSPORTATION ENVIRONMENT THAT IS FREE OF BARRIERS FOR PEOPLE WITH DISABILITIES.**

#### **Objective 8.1** **Eliminate existing barriers for people with disabilities.**

- Policy 8.1.1** Curb ramps, raised crosswalks, and transit stop improvements shall be installed incrementally, in conjunction with other street modifications or in response to specific problem locations.



- Policy 8.1.2 The City shall maintain a transit fleet that can serve persons with disabilities.
- Policy 8.1.3 Car parking spaces for persons with disabilities shall conform to the Florida Accessibility Code for Building Construction standards.

## GOAL 9

### **PROVIDE AN AVIATION FACILITY TO MEET THE NEEDS OF PASSENGERS, COMMERCIAL AIRLINES, AND GENERAL AVIATION IN A SAFE AND EFFICIENT MANNER.**

- Objective 9.1** Promote the Gainesville Regional Airport as the aviation facility for Gainesville and its air service area, and support the implementation of the Airport Master Plan as long as its improvements and operations are consistent with the City's Comprehensive Plan.
- Policy 9.1.1 The City shall provide transit service to the Gainesville Regional Airport and the surrounding area.
- Policy 9.1.2 The City shall use the Airport Master Plan as the future land use guide for development in and around the airport.
- Objective 9.2** Eliminate incompatible land uses within airport noise contours and hazardous obstructions affecting the landing, takeoff, or maneuvering of aircraft, and coordinate the siting of new (or expansion of existing) airports, or related facilities, with the Future Land Use and Conservation, Open Space and Groundwater Recharge Elements.
- Policy 9.2.1 The City's Future Land Use Element shall designate compatible land uses within the vicinity of the airport.
- Policy 9.2.2 The City shall collaborate with Alachua County to ensure that incompatible land uses within the adopted airport noise contours are eliminated. The adopted airport noise contours are illustrated on the Airport Noise Zone Map dated August 2009 that is located in Appendix F of the City's Land Development Code.
- Policy 9.2.3 The City shall encourage the Gainesville-Alachua County Regional Airport Authority to acquire adjacent land that is not compatible with the Airport as identified in the FAR Part 150 Study, and determined to be economically feasible by federal and state land acquisition regulations.
- Objective 9.3** Coordinate proposed airport expansions by the Gainesville-Alachua County Regional Airport Authority with transportation plans by the





**Florida Department of Transportation and the Metropolitan Transportation Planning Organization.**

Policy 9.3.1 The City shall ensure that future aviation projects and the Airport Industrial Park are integrated with the City's transportation system.

**Objective 9.4 Coordinate airport growth with appropriate aviation or other related organizations.**

Policy 9.4.1 The City shall collaborate with the Gainesville-Alachua County Regional Airport Authority on all of its aviation projects.

Policy 9.4.2 The Gainesville-Alachua County Regional Airport Authority shall coordinate with the City, the Federal Aviation Administration, the Florida Department of Transportation, North Central Florida Regional Planning Council, the Continuing Florida Aviation System Planning Process, and other appropriate agencies on all of its aviation projects.

**GOAL 10**

**IMPLEMENT A TRANSPORTATION MOBILITY PROGRAM THAT PROMOTES AND ENHANCES:**

- A. URBAN REDEVELOPMENT;**
- B. INFILL DEVELOPMENT;**
- C. A VARIETY OF TRANSPORTATION CHOICES AND OPPORTUNITIES INCLUDING AUTOMOTIVE, PEDESTRIAN, BICYCLE AND TRANSIT;**
- D. THE CITY'S ECONOMIC VIABILITY;**
- E. DESIRABLE URBAN DESIGN AND FORM;**
- F. A MIX OF RESIDENTIAL AND NON-RESIDENTIAL USES;**
- G. STREETSCAPING/LANDSCAPING OF ROADWAYS WITHIN THE CITY; AND**
- H. PEDESTRIAN AND BICYCLIST COMFORT, SAFETY AND CONVENIENCE.**

**Objective 10.1 The Gainesville Transportation Mobility Program Area (TMPA) shall include all property within city limits (although the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category) and shall be subdivided into designated Zones A, B, C, D, E and M as mapped in the Transportation Mobility Element Data and Analysis Report and in the Geographic Information System (GIS) Map Library located on the City's Planning and Development Services Department website.**



- Policy 10.1.1** All property within city limits is included in the Gainesville Transportation Mobility Program Area (TMPA); however, the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category. When annexed properties are designated with a City land use category, they shall be assigned to the most physically proximate TMPA zone as mapped in the Transportation Mobility Element Data and Analysis Report and in the GIS Map Library on the City's Planning and Development Services Department website.
- Policy 10.1.2** All land uses and development located in the TMPA shall meet the TMPA policies specified in this Element.
- Policy 10.1.3** Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.
- Policy 10.1.4** For any development or redevelopment within Zone A, the developer shall provide the following transportation mobility requirements. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.
- a. Sidewalk connections from the development to existing and planned public sidewalk along the development frontage;
  - b. Cross-access connections/easements or joint driveways, where available and economically feasible;
  - c. Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities, and/or transit shelters. Such deeding or conveyance of required easements, or a portion of same, shall not be required if it would render the property unusable for development. A Transit Facility License Agreement between the property owner and the City for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding of land or conveyance of easements. The License Agreement term shall be for a minimum of 10 years;
  - d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined



in the Access Management portion of the Land Development Code;  
and

- e. Safe and convenient on-site pedestrian circulation, such as sidewalks and crosswalks connecting buildings and parking areas at the development site.

**Policy 10.1.5** For any development or redevelopment within Zones B, C, D, E, or M, the developer shall provide all of the items listed in Policy 10.1.4 and shall provide the transportation mobility requirements as specified in Policies 10.1.6, 10.1.7, 10.1.9, 10.1.11, 10.1.13, and 10.1.14, as applicable. The developer shall also provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

**Policy 10.1.6** For any development or redevelopment within Zone B, the developer shall, at the developer's expense, meet the following transportation mobility criteria based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to final approval by the City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer.

<b>Net, New Average Daily Trip Generation</b>	<b>Number of Criteria That Shall Be Met</b>
50 or less	At least 1
51 to 100	At least 2
101 to 400	At least 3
401 to 1,000	At least 5
1,001 to 5,000	At least 8



Greater than 5,000	<p>At least 12 and meet either a. or b.:</p> <ul style="list-style-type: none"> <li>a. Located on an existing RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours.</li> <li>b. Provide funding for a new RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours or provide funding to improve RTS transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions or enhancements shall include capital and operating costs for a minimum of 3 years.</li> </ul>
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### Zone B Criteria

- a. Intersection and/or signalization modifications to address congestion management, including, but not limited to: signal timing studies, fiber optic interconnection for traffic signals, roundabouts, OPTICOM signal preemption, transit signal prioritization, and/or implementation of the Gainesville Traffic Signalization Master Plan. The Master Plan includes installation of Intelligent Transportation System (ITS) features such as state of the art traffic signal controllers, dynamic message signs, and traffic monitoring cameras designed to maximize the efficiency of the roadway network by reducing congestion and delay.
- b. Addition of lanes on existing road facilities (including, but not limited to, the 4-lane expansion of SR 121 north of US 441 to CR 231), where acceptable to the City and/or MTPO, as relevant.
- c. Construction of new road facilities that provide alternate routes, reduce congestion, and create a better gridded network.
- d. Use of joint driveways or cross-access to reduce curb cuts.
- e. Participation in a transportation demand management program that provides funding or incentives for transportation modes other than single occupant vehicle. Such demand management programs shall provide annual reports of operations to the City indicating successes in reducing single occupant vehicle trips.
- f. Provision of ride sharing or van pooling programs.
- g. Provision of Park and Ride facilities, built to RTS needs and specifications.
- h. Provision of bus pass programs provided to residents and/or employees of the development. The bus passes must be negotiated as part of a contract with the Regional Transit System.



- i. Deeding of land for the addition and construction of bicycle lanes that meet City specifications. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.
- j. Provision of additional bicycle parking over the minimum required by the Land Development Code. Additional bicycle parking may be used to substitute for the required motorized vehicle parking.
- k. Enhancements to the City's off-street paved trail network (as shown in the Transportation Mobility Map Series) that increase its utility as a multi-modal transportation route. Such enhancements may include, but shall not be limited to: 1) trail amenities such as benches, directional signage, or safety systems; 2) bicycle parking at entry points or connections with transit lines; 3) land acquisition for expansion or better connectivity; 4) additional entry points to the off-street paved trail network; 5) bridges spanning creeks or wetland areas; and 6) appropriate off-street trail surfacing.
- l. Funding of streetscaping/landscaping (including pedestrian-scale lighting, where relevant) on public rights-of-way or medians, as coordinated with the implementation of the City's streetscaping plans.
- m. In order to increase the attractiveness of the streetscape and reduce visual clutter along roadways to promote a more walkable environment, provision of no ground-mounted signage at the site for parcels with 100 linear feet or less of property frontage, or removal of non-conforming signage or billboards at the site. Signage must meet all other regulations in the Land Development Code.
- n. Widening of existing public sidewalks to increase pedestrian mobility and safety.
- o. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.
- p. Payments to RTS that either increase service frequency or add additional transit service, including Express Transit service and/or Bus Rapid Transit, where appropriate.
- q. Funding for the construction of new or expanded transit facilities.
- r. Construction of bus shelters built to City specifications.
- s. Bus shelter lighting using solar technology designed and constructed to City specifications.
- t. Construction of bus turn-out facilities to City specifications.



- u. Construction of access to transit stops and/or construction of transit boarding and alighting areas.
- v. Business operations shown to have limited or no peak-hour roadway impact.
- w. An innovative transportation-mobility-related modification submitted by the developer, where acceptable to and approved by the City.

**Policy 10.1.7** For any development or redevelopment within Zone C, the developer shall, at the developer's expense, meet the following transportation mobility criteria based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to final approval by the City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer.

Net, New Average Daily Trip Generation	Number of Criteria That Shall Be Met
50 or less	At least 1
51 to 100	At least 3
101 to 400	At least 4.5
401 to 1,000	At least 7.5
1,001 to 5,000	At least 12
Greater than 5,000	At least 18 and meet either a. or b.:  a. Located on an existing RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours. b. Provide funding for a new RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours or provide funding to improve RTS transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions or enhancements shall include capital and operating costs for a minimum of 3 years.



## Zone C Criteria

- a. Roadway projects that will provide a more interconnected transportation network in the area and/or provide alternate routes to reduce congestion and pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. Projects may be located outside of Zone C if demonstrated to be a direct benefit to the transportation system in Zone C. Projects may include, but shall not be limited to, the following:
  1. extension of SW 40th Boulevard to connect from its terminus south of Archer Road to SW 47th Avenue;
  2. extension of SW 47th Avenue to connect from its terminus east and south to Williston Road;
  3. extension of streets, deeding of land, and/or easements to create a more gridded network and provide connectivity in redevelopment areas; and
  4. extension of SW 40th Place from SW 27th Street to SW 47<sup>th</sup> Avenue.
- b. Deeding of land for right-of-way and/or construction of roadway extensions to City specifications. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.
- c. Use of joint driveways or cross-access connections to reduce curb cuts.
- d. Intersection and/or signalization modifications to address congestion management, including, but not limited to: signal timing studies, fiber optic inter-connection for traffic signals, roundabouts, OPTICOM signal preemption, and/or implementation of elements of the Gainesville Traffic Signalization Master Plan. Implementation of the Master Plan includes installation of Intelligent Transportation System (ITS) features such as state of the art traffic signal controllers, dynamic message signs, transit signal prioritization, and traffic monitoring cameras designed to maximize the efficiency of the roadway network by reducing congestion and delay.
- e. Participation in a transportation demand management program that provides funding or incentives for transportation modes other than single occupant vehicle. Such demand management programs shall provide annual reports of operations to the City indicating successes in reducing single occupant vehicle trips.
- f. Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.
- g. Provision of matching funds for transit or other transportation mobility-related grants.
- h. Construction of bicycle and/or pedestrian facilities/trails to City specifications. This may include provision of bicycle parking at bus shelters or Transit Hubs (as shown on the Existing Transit Hubs & Transit Supportive Areas Map) or deeding of land for the



addition and construction of bicycle lanes or trails. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.

- i. Funding of streetscaping/landscaping on public rights-of-way or medians, as coordinated with the implementation of the City's streetscaping plans.
- j. Pedestrian-scale lighting in priority areas, including:
  - 1. SW 35th Place;
  - 2. SW 37th/39th Blvd.;
  - 3. SW 23rd Terrace; and
  - 4. Williston Road.
- k. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.
- l. Payments to RTS that either increase service frequency or add additional transit service, including Express Transit service and/or Bus Rapid Transit, where appropriate.
- m. Funding for the construction of new or expanded transit facilities.
- n. Construction of bus shelters built to City specifications.
- o. Bus shelter lighting using solar technology designed and constructed to City specifications.
- p. Construction of bus turn-out facilities to City specifications.
- q. Construction of access to transit stops and/or construction of transit boarding and alighting areas.
- r. Business operations shown to have limited or no peak-hour roadway impact.
- s. An innovative transportation-mobility-related modification submitted by the developer, where acceptable to and approved by the City.

**Policy 10.1.8** The City establishes the following priority for transportation mobility projects within Zone C and shall collaborate with the Metropolitan Transportation Planning Organization (MTPO) to add these items to the MTPO list of priorities. The City shall also pursue matching grants and other funding sources to complete these projects.





- a. Construction of a southerly extension of SW 40th Boulevard from its current end south of its intersection with Archer Road to the intersection of SW 47th Avenue. This roadway connection shall include bicycle and pedestrian facilities.
- b. Construction of an extension of SW 47th Avenue to connect from its terminus east and south to Williston Road.
- c. Funding for the construction of new or expanded transit facilities.

**Policy 10.1.9** For any development or redevelopment within Zone D, the developer shall, at the developer’s expense, meet the following transportation mobility criteria based on the development’s (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to final approval by the City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer.

Net, New Average Daily Trip Generation	Number of Criteria That Shall Be Met
50 or less	At least 1.5
51 to 100	At least 4
101 to 400	At least 6
401 to 1,000	At least 10
1,001 to 5,000	At least 16
Greater than 5,000	At least 24 and meet either a. or b.:  a. Located on an existing RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours. b. Provide funding for a new RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours or provide funding to improve RTS transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions or enhancements shall include capital and operating costs for a minimum of 3 years.



### **Zone D Criteria**

- a. **Roadway projects that will provide a more interconnected transportation network in the area and/or provide alternate routes to reduce congestion and pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. Projects may be located outside of Zone D if demonstrated to be a direct benefit to the transportation system in Zone D. Projects may include, but shall not be limited to, the following:**
  1. **extension of SW 40th Boulevard to connect from its terminus south of Archer Road to SW 47th Avenue; and**
  2. **extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity.**
- b. **Deeding of land for right-of-way and/or construction of roadway extensions to City specifications. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.**
- c. **Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.**
- d. **Provision of matching funds for transit or other transportation mobility-related grants.**
- e. **Provision of Park and Ride facilities, built to RTS needs and specifications**
- f. **Construction of bicycle and/or pedestrian facilities/trails to City specifications. This may include provision of bicycle parking at bus shelters or Transit Hubs (as shown on the Existing Transit Hubs & Transit Supportive Areas Map) or deeding of land for the addition and construction of bicycle lanes or trails. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.**
- g. **Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.**
- h. **Payments to RTS that either increase service frequency or add additional transit service, including Express Transit service and/or Bus Rapid Transit, where appropriate.**
- i. **Funding for the construction of new or expanded transit facilities.**



- j. Construction of bus shelters built to City specifications.
- k. Bus shelter lighting using solar technology designed and constructed to City specifications.
- l. Construction of bus turn-out facilities to City specifications.
- m. Construction of access to transit stops and/or construction of transit boarding and alighting areas.
- n. Business operations shown to have limited or no peak-hour roadway impact.
- o. An innovative transportation-mobility-related modification submitted by the developer, where acceptable to and approved by the City.

**Policy 10.1.10** The City establishes the following priority for transportation mobility projects within Zone D and shall collaborate with the Metropolitan Transportation Planning Organization (MTPO) to add these items to the MTPO list of priorities. The City shall also pursue matching grants and other funding sources to complete these projects.

- a. Construction of a southerly extension of SW 40th Boulevard from its current end south of its intersection with Archer Road to the intersection of SW 47th Avenue. This roadway connection shall include bicycle and pedestrian facilities.
- b. Funding for the construction of new or expanded transit facilities.

**Policy 10.1.11** For any development or redevelopment within Zone E, the developer shall, at the developer's expense, meet the following transportation mobility criteria based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to final approval by the City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer.



Net, New Average Daily Trip Generation	Number of Criteria That Shall Be Met
50 or less	At least 1.5
51 to 100	At least 4
101 to 400	At least 6
401 to 1,000	At least 10
1,001 to 5,000	At least 16
Greater than 5,000	<p>At least 24 and meet either a. or b.:</p> <ul style="list-style-type: none"> <li>a. Located on an existing RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours.</li> <li>b. Provide funding for a new RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours or provide funding to improve RTS transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions or enhancements shall include capital and operating costs for a minimum of 3 years.</li> </ul>

### Zone E Criteria

- a. Roadway projects that will provide a more interconnected transportation network in the area and/or provide alternate routes to reduce congestion and pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. Projects may be located outside of Zone E if demonstrated to be a direct benefit to the transportation system in Zone E. Projects may include, but shall not be limited to, the following:
  - 1. widening of SR 121 to 4 lanes north of US 441 to CR 231; and
  - 2. extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity.
- b. Deeding of land for right-of-way and/or construction of roadway extensions to City specifications. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.
- c. Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.
- d. Provision of matching funds for transit or other transportation mobility-related grants.



- e. Provision of Park and Ride facilities, built to RTS needs and specifications.
- f. Construction of bicycle and/or pedestrian facilities/trails to City specifications. This may include provision of bicycle parking at bus shelters or Transit Hubs (as shown on the Existing Transit Hubs & Transit Supportive Areas Map) or deeding of land for the addition and construction of bicycle lanes or trails. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.
- g. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.
- h. Payments to RTS that either increase service frequency or add additional transit service, including Express Transit service and/or Bus Rapid Transit, where appropriate.
- i. Funding for the construction of new or expanded transit facilities.
- j. Construction of bus shelters built to City specifications, where transit service is available.
- k. Bus shelter lighting using solar technology designed and constructed to City specifications, where transit service is available.
- l. Construction of bus turn-out facilities to City specifications, where transit service is available or planned as shown in the Transit Development Plan, Bus Stop Improvement Plan or 5-Year Schedule of Capital Improvements.
- m. Construction of access to transit stops and/or construction of transit boarding and alighting areas.
- n. Business operations shown to have limited or no peak-hour roadway impact.
- o. An innovative transportation-mobility-related modification submitted by the developer, where acceptable to and approved by the City.

**Policy 10.1.12** The City establishes the following priority for transportation mobility projects within Zone E and shall collaborate with the Metropolitan Transportation Planning Organization (MTPO) to add these items to the MTPO list of priorities. The City shall also pursue matching grants and other funding sources to complete these projects.

- a. Widening SR 121 to 4 lanes north of US 441 to CR 231.
- b. Funding for the construction of new or expanded transit facilities.



**Policy 10.1.13** For any development or redevelopment within Zone M, the developer shall fund transportation mobility criteria, including transit, pedestrian, bicycle, and vehicular needs, in the zone. This may include projects outside of Zone M that can be demonstrated to be a direct benefit to the transportation system in Zone M. The required transportation mobility criteria shall be based on the development's (including all phases) trip generation and proportional impact on transportation mobility facilities. Provision of the required transportation mobility criteria shall be subject to final approval by the City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer. The transportation mobility criteria for any development or redevelopment that has a net, new average daily trip generation of greater than 5,000 trips shall include either 1. or 2. as follows:

1. Located on an existing RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours.
2. Provide funding for a new RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours or provide funding to improve RTS transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions shall include capital and operating costs for a minimum of 3 years.

It is anticipated that the provision of all mobility needs in Zone M may span a 20 to 30-year time period, and the mobility needs in Zone M, as listed below, shall be identified in the City's 5-Year Schedule of Capital Improvements.

### **Zone M Criteria**

- a. Roadway projects that will provide a more interconnected transportation network in the area and/or provide alternate routes to reduce congestion and pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. Projects may include, but shall not be limited to, the following:
  1. extension of Hull Road consistent with MTPO Option M;
  2. extension of SW 62nd Boulevard to SW Archer Road in accordance with the MTPO design; and
  3. extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity.
- b. Deeding of land for right-of-way and/or construction of roadway extensions to City specifications. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion.



The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.

- c. Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/ or bike trails.
- d. Construction of transit superstops in Zone M built to City specifications.
- e. A Park and Ride facility with a minimum of 100 spaces, including transfer station and restrooms/information center, built to RTS specifications.
- f. Traffic management system equipment for transit vehicles operating on routes in Zone M.
- g. Funding for new buses and other capital expenses for routes serving Zone M.
- h. Funding for articulated buses.
- i. Funding for Express Transit Service or Bus Rapid Transit, where appropriate.
- j. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.
- k. Funding for the construction of new or expanded transit facilities.
- l. Construction of access to transit stops and/or construction of transit boarding and alighting areas.
- m. Business operations shown to have limited or no peak-hour roadway impact.
- n. An innovative transportation-mobility-related modification submitted by the developer, where acceptable to and approved by the City.

**Policy 10.1.14** Within the portion of the University of Florida (UF) Context Area that is located inside city limits (as mapped in the Campus Master Plan), all new multi-family residential development shall fund the capital transit costs associated with transit service needs. Transit capital costs include transit vehicles, maintenance facilities, passenger facilities such as transit shelters, and technology equipment (such as GPS). Payments shall be based on a proportionate share contribution for any additional transit service enhancements needed to serve the proposed development and maintain existing service levels (frequencies) in the RTS a.m. and p.m. peak hours. The projected new trips shall be based on the expected mode split of all development trips that will use transit. If the development is within ¼ mile of



UF, there shall be a 25% reduction in the required payment in recognition of the pedestrian and bicycle trips that may occur. Any transit payments required under this policy shall not count towards meeting TMPA criteria in Zones B, C, D, or M.

**Policy 10.1.15**      Redevelopment or expansions of existing developments that generate fewer than ten net, new average daily trips or two net, new p.m. peak hour trips (based on adjacent street traffic) shall not be required to meet Policies 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.11, 10.1.13, or 10.1.14, as applicable.

**Policy 10.1.16**      To encourage redevelopment and desirable urban design and form, any development or redevelopment within Zones B, C, D, E, or M that meets standards such as neo-traditional, new urbanist, transit-oriented development (TOD), or mixed-use development and includes a mix of both residential and non-residential uses at transit-oriented densities shall be provided credits, in relation to the multi-modal amenities provided, toward meeting the criteria in Policies 10.1.6, 10.1.7, 10.1.9, 10.1.11, and 10.1.13, as applicable.

**Policy 10.1.17**      An existing DRI that was approved and built prior to the adoption of the TMPA may be granted TMPA credits for redevelopment or expansion if all of the following requirements are met. All other Chapter 380, F.S., DRI requirements, except those concerning transportation concurrency, shall continue to apply.

- a.      The DRI is located entirely within the TMPA.
- b.      At least one public transit route serves the DRI and operates at 15-minute frequencies during the RTS a.m. and p.m. peak hours.
- c.      The DRI allows transit service to enter the site and drop off/pick up passengers as close as possible to main entry points to facilitate transit user comfort and safety. An appropriate number of bus shelters, as determined by RTS during development review, shall be located at the site. The DRI shall construct required shelters to RTS specifications.
- d.      The DRI provides a Park and Ride facility at the site, built to RTS specifications and needs.
- e.      Cross-access connections or easements shall be provided to adjacent developments/sites.
- f.      Any other transportation modifications (either on or off-site), including, but not limited to, signalization, turn lanes, cross walks, bicycle parking, public sidewalks and internal sidewalk connections, and/or traffic calming measures found to be required during development review shall be provided or paid for by the DRI. The City





may require a traffic study to determine the transportation impacts and required transportation modifications depending upon the size of the expansion.

- Policy 10.1.18 In order to promote highly desirable development within the TMPA, the City or Community Redevelopment Agency may enter into agreements with developers to provide all or part of the transportation mobility needs that are required by policies within this Element.
- Policy 10.1.19 The City shall collect trip generation information for developments within the TMPA. For redevelopment sites, the City shall also collect information about trip credits for the previous use of the property.
- Policy 10.1.20 The City may require special traffic studies within the TMPA, including, but not limited to, information about trip generation, trip distribution, trip credits, and/or signal warrants, to determine the need for transportation modifications for improved traffic operation and/or safety on impacted road segments.
- Policy 10.1.21 The City shall evaluate the TMPA in conjunction with the City's next required Evaluation and Appraisal process.
- Policy 10.1.22 The City shall amend the Concurrency Management section and any other relevant sections of the Land Development Code to reflect the adoption of the new Transportation Mobility Program and the rescinding of transportation concurrency and the Transportation Concurrency Exception Area.
- Policy 10.1.23 Developments approved prior to the adoption of the TMPA shall provide any transportation improvements, modifications, or mitigation required as part of the development plan approval, consistent with Future Land Use Element Policy 3.4.5. When development plans that were approved prior to the adoption of the TMPA are amended, they shall meet TMPA policies, consistent with Future Land Use Element Policy 3.4.5.
- Objective 10.2 The City shall promote multi-modal transportation choice by adopting the following policies that encourage an interconnected street network, encourage redevelopment, and specially regulate developments with 30 or more acres, and by adopting the Existing Transit Hubs & Transit-Supportive Areas Map as part of the Transportation Mobility Map Series.**
- Policy 10.2.1 The City shall not close or vacate streets except under the following conditions:
- a. the loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;



- b. the loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops;
- c. the loss of the street is necessary for the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses; and
- d. there is no reasonably foreseeable need for any type of transportation corridor for the area.

**Policy 10.2.2** The City shall ensure that new streets are designed appropriately for transportation choice by setting design standards that call for minimal street widths, modest turning radii, modest design speeds, curb extensions, traffic calming, gridded and connected patterns, sidewalks, bicycle facilities, and prohibition of cul-de-sacs, where feasible. Street design standards shall include consideration of usage by transit vehicles, where appropriate.

**Policy 10.2.3** The City shall require new residential developments, where feasible, to provide street and/or sidewalk/path connections and/or stub-outs to adjacent properties and developments (such as schools, parks, bus stops, retail, and office centers) so that motorized vehicle trips are minimized on major roadways.

**Policy 10.2.4** The City shall adopt the Existing Transit Hubs & Transit-Supportive Areas Map as part of the Transportation Mobility Map Series to increase and enhance multi-modal transportation choices and encourage redevelopment in these areas.

**Policy 10.2.5** In order to encourage the redevelopment of properties within the TMPA, reduce or prevent blight, and encourage development in close proximity to transit, the following redevelopment trip credits shall apply to projects that are located within ¼ mile of the property lines of an existing transit hub or projects that are located in transit-supportive areas (as shown in the Existing Transit Hubs and Transit-Supportive Areas Map adopted in the Transportation Mobility Element) and are within ¼ mile of an existing transit route. The City shall reduce by 25% the net, new average daily trip generation for any redevelopment project or any project that expands or converts a building to a new use. The City shall reduce by 40% the net, new average daily trip generation for any mixed-use project that includes both a residential and non-residential component where residential dwelling units equal at least 10% of the floor area of commercial/office uses.

**Policy 10.2.6** In recognition of the significant redevelopment problems facing the City in the NW 13th Street Activity Center area, the NW 13th Street Special Redevelopment Trip Credit Area (as shown in the Transportation Mobility Map Series) shall receive redevelopment trip credits as follows. The City shall



reduce by 30% the net, new average daily trip generation for any redevelopment or expansion/conversion project. The City shall reduce by 45% the net, new average daily trip generation for any mixed-use project that includes both a residential and non-residential component.

**Policy 10.2.7** To facilitate a reduction in vehicle miles traveled and energy efficient land use patterns within the TMPA, developments on 30 or more vacant acres that have a residential, commercial, mixed-use, office, or Planned Use District (PUD) land use designation shall comply with the following conditions:

- a. A mix of residential and non-residential uses shall be required where residential dwelling units equal at least 10% of the floor area of commercial/office uses.
- b. The residential units may be vertically or horizontally mixed with the non-residential portion of the development.
- c. A residential unit credit may be received from off-site development that is within  $\frac{1}{4}$  mile of the site, is in an area equal to the size of the development site, and has an existing built residential density of at least 6 units per acre.
- d. A minimum of 10,000 square feet of non-residential uses (office or commercial) shall be required to support the needs of residents and minimize trip lengths for goods and/or services.
- e. In the case of residential land use, an amendment to PUD will be required to implement the mixed-use requirements of this policy until such time as the City amends the land use categories to allow for a mix of uses.
- f. The development can be in the form of a Traditional Neighborhood Development (TND), transit-oriented development (TOD), or New Urbanist type development.
- g. There shall be an exemption from the mixed-use requirements of this policy for any infill development in Zones A, B, or C that is surrounded by an area that: a) is at least equal to the size of the development; b) is at least 75% developed with a mix of residential and non-residential uses that may provide support needs; and c) has existing adequate and safe sidewalk connections within  $\frac{1}{4}$  mile of the development.



- Objective 10.3**    **The City’s Land Development Code shall provide standards for all new developments and redevelopment within the TMPA. Within the transect zoning district areas, the Land Development code shall regulate urban form to ensure a compact, pedestrian-friendly environment that supports multi-modal opportunities.**
- Policy 10.3.1    Within the transect zoning districts, land development regulations shall address urban form in terms of: street types, maximum block perimeter sizes, required new streets or urban walkways, building frontage requirements, building setbacks, location of parking, glazing requirements, building façade articulation, and building entrance location.
- Policy 10.3.2    New development of automotive-oriented uses within the TMPA, such as retail petroleum sales (gasoline service stations), car washes, automotive repair, and limited automotive services (as defined in the Land Development Code), shall be designed with service bays and fueling (gas) pumps located to the rear or side of buildings. These design standards shall not apply in industrial zoning districts. Land development regulations shall specify the criteria for the placement of these uses. The number of fueling positions and service bays shall be regulated in the Land Development Code.
- Objective 10.4**    **Automobile-oriented developments/uses within the TMPA, including drive-through facilities, surface parking lots as a principal use, parking garages, car washes, and gasoline service stations, shall be regulated by the Land Development Code.**
- Policy 10.4.1    Drive-through facilities shall be defined to include banking facilities, payment windows, restaurant, food and/or beverage sales, dry cleaning, express mail services, and other services that are extended mechanically or personally to customers who do not exit their vehicles. The following uses shall not be considered drive-throughs: auto fuel pumps and depositories that involve no immediate exchange or dispersal to the customer, such as mail boxes, library book depositories, and recycling facilities.
- Policy 10.4.2    Drive-through facilities shall be specially regulated by the Land Development Code. The regulations shall include provisions that include; the maximum number of drive-through lanes; queuing space; minimization of the number of access points to public streets; by-pass lanes or driveway areas to avoid backups at the site; consideration of pedestrian/bicyclist safety; location of drive-through lanes; and minimization of the visual impacts of drive-through lanes on street frontage areas.
- Policy 10.4.3    Gasoline and alternative fuel stations shall be specially regulated by the Land Development Code. The regulations shall include provisions that include: locating fueling pumps to the rear or side of buildings; minimization of the



number and width of driveways; limitations on the number of fueling positions; and consideration of pedestrian and bicycle safety at the site.

**Policy 10.4.4** The Land Development code shall address design requirements for structured parking that include provisions for consideration of: pedestrian and bicycle routes; location and design of vehicle access points; and compatibility with neighborhoods.

**Objective 10.5** **In order to enhance the visual characteristics of roadways and create an appealing environment that supports multi-modal transportation opportunities, the City shall adopt streetscaping and landscaping standards for regulated roadways within the TMPA.**

**Policy 10.5.1** The City shall use the November 1998 Gateway Corridor Design Concept Plan as a guideline for all City landscape plans to be prepared for the right-of-ways and medians of all regulated roadways within the TMPA.

**Policy 10.5.2** The City Arborist shall approve final landscaping proposals required in Policy 10.5.1.

**Policy 10.5.3** The priority for landscaping of roadway right-of-ways and/or medians shall be within Zone A of the TMPA. First priority shall be given to major arterials within Zone A. Funding for the installation of landscape projects within Zone A shall be from the City, Community Redevelopment Agency, state and federal government, and/or grants, as an incentive for development within the area. Maintenance responsibility shall be provided by the City, Community Redevelopment Agency, or grant funds.

**Policy 10.5.4** The City shall include right-of-way and median landscaping as part of any major roadway modification program.

**Policy 10.5.5** For required landscaping, new development within Zones B, C, D, E, and M shall plant trees selected from the Tree List in the City's Land Development Code that at a minimum are 65-gallon-sized, 14-18 feet tall, and 3.5 inches in trunk caliper, or the equivalent winter-dug and hardened-off balled and burlapped trees. If 65-gallon or equivalent trees are not available, the number of required shade trees may be appropriately increased with the approval of the City Arborist or designee. Within Zone B, these requirements shall only apply along roadways as listed in the annual Level of Service Report produced by the North Central Florida Regional Planning Council. Within Zones C, D, E, and M, these requirements shall apply to all public and private streets. Trees shall be planted on private property within buffer areas or on right-of-way, if approved by the City. Landscaping installations on right-of-way shall comply with the City of Gainesville Engineering Design & Construction Manual. Land Development Code regulations shall specify the type, size, and other tree landscaping standards for the TMPA. All new development within



Zones B, C, D, E, and M shall also install an automated irrigation system to preserve new landscaping.

Redevelopment sites shall be required to plant 50% of the number of street trees otherwise required by the City's Land Development Code. Redevelopment sites where 40% or more of the developed area (as defined in the Land Development Code) is being altered shall also meet the automated irrigation system requirement.

Developments meeting the criteria for Rapid Review pursuant to the Land Development Code and developments within landscape exempt areas, special area plans with pedestrian-oriented build-to line provisions, and the approach and clear zone areas as specified on the Gainesville Regional Airport Master Plan shall be exempt from these requirements.

**Objective 10.6 The City shall adopt the following policies to regulate parking within the TMPA.**

Policy 10.6.1 Parking in excess of that required by the Land Development Code shall be prohibited within the TMPA.

Policy 10.6.2 Developments may apply for a parking reduction within the TMPA, based on criteria in the Land Development Code.

**Objective 10.7 The City shall coordinate with the Metropolitan Transportation Planning Organization (MTPO) to balance the need for and design of roadway modifications with the City's needs for urban redevelopment, infill, and quality urban design.**

Policy 10.7.1 In cooperation with the MTPO, the City shall encourage consideration of features to improve multi-modal transportation in all designs of new roadways and redesigns of existing roadways, as appropriate. These considerations shall include construction of bus turn-out facilities, bicycle lanes, sidewalks, enhanced pedestrian crosswalks, pedestrian scale lighting, landscaped medians and right-of-ways, and traffic calming mechanisms.

Policy 10.7.2 As part of the ongoing coordination with the MTPO and the Florida Department of Transportation, the City shall designate corridors where road widening is not feasible or desirable. These roadway corridors shall then be designated as "Policy Constrained" or "Physically Constrained" facilities where alternatives to road widening are the primary strategy for roadway congestion.

**Objective 10.8 The City shall coordinate with Alachua County on an ongoing basis concerning the TMPA.**



- Policy 10.8.1** Alachua County staff shall be provided the development plans and associated traffic studies for any development within the TMPA that will generate more than 1,000 net, new average daily trips or any development that will generate more than 100 net, new average daily trips within 1/4 mile of an Alachua County-maintained road or the unincorporated area. Alachua County staff shall have the opportunity to comment on the proposed development and its impacts on Alachua County-maintained roads or state-maintained roads and any criteria proposed/required pursuant to Policies 10.1.6, 10.1.7, 10.1.9, 10.1.11, and 10.1.13. Alachua County staff may raise the trip threshold for review of plans at any time by informing the City of such change in writing. The City shall require large developments that meet the DRI threshold to address regional impacts on facilities.
- Policy 10.8.2** After receipt of the annual update of the Level of Service Report produced by the North Central Florida Regional Planning Council, the City shall annually monitor and evaluate the impacts to Alachua County-maintained roads of approved development within the TMPA and share the information with Alachua County.
- Objective 10.9** **The City shall coordinate with the Florida Department of Transportation (FDOT) on an ongoing basis concerning the TMPA.**
- Policy 10.9.1** For any development that will access state roads, FDOT staff shall have the opportunity to comment on the proposed development and its impacts on state roads.



## Transportation Mobility Map Series

- Major Thoroughfares and Transportation Routes
- Transit Routes
- Existing Transit Hubs & Transit-Supportive Areas
- Off-Street Paved Trail Network
- In-Street Bicycle Facilities – Existing
- Rail & Airport Facilities
- NW 13<sup>th</sup> Street Special Redevelopment Trip Credit Area
- Major Trip Generators & Attractors



## **Appendix B**

# **City Land Development Code**

**Section 30-4.18. Density Bonus Points.**

Development criteria described in the density bonus points manual, when met, shall allow increases in development intensity based upon the limits in this section. These increases in intensity shall be allowed should a developer propose to undertake a project that will result in a development sensitive to the unique environmental and developmental needs of the area. For each criterion met by the developer, certain points shall be credited to the project. Those points, calculated in accordance with the Density Bonus Points Manual, shall determine the maximum allowable density.

**Table V - 6: Permitted Density Using Density Bonus Points**

RMF-6		RMF-7		RMF-8	
Points	Max residential density (du/ac)	Points	Max residential density (du/ac)	Points	Max residential density (du/ac)
0	10	0	14	0	20
26	11	20	15	16	21
52	12	39	16	30	22
79	13	59	17	46	23
108	14	79	18	59	24
138+	15	98	19	75	25

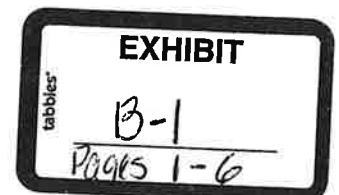
**DIVISION 4. MIXED-USE AND NONRESIDENTIAL**

**Section 30-4.19. Permitted Uses.**

The following table contains the list of uses allowed, and specifies whether the uses are allowed by right (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the use is not allowed. No variances from the requirements of this section shall be allowed.

**Table V - 7: Permitted Uses in Mixed-Use and Nonresidential Districts.**

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
<b>RESIDENTIAL</b>													
Single-family house		P	-	P	P	-	-	-	-	-	P	-	-
Attached dwellings		P	P	P	P	-	-	-	-	-	-	-	-
Multi-family dwellings		P	P	P	P	S	-	-	-	-	P	-	-
Accessory dwelling units	30-5.33	A	A	A	A	-	-	-	-	-	P	-	-
Adult day care homes	30-5.2	P	P	P	P	P	P	-	-	P	-	-	-
Community residential homes (up to 6 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Community residential homes (more than 14 residents)	30-5.6	-	P	P	P	-	-	-	-	-	P	-	-
Community residential homes (7 to 14 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-



	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Dormitory, large	30-5.8	-	-	-	S	-	-	-	-	-	-	-	-
Dormitory, small	30-5.8	S	S	S	P	-	S	-	-	-	-	-	-
Family child care homes	30-5.10	P	-	P	P	-	-	-	-	-	P	-	-
<b>NONRESIDENTIAL</b>													
Alcoholic beverage establishments	30-5.3	S	S	-	-	-	P	-	P	P	-	P	P
Assisted living facility		P	P	-	P	-	-	-	-	-	P	-	-
Armor systems manufacturing and assembly	30-5.16	P	-	-	-	-	-	-	-	-	-	-	-
Bed and breakfast establishments	30-5.4	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Car wash facilities	30-5.5	S	S	-	-	-	P	P	S	P	P	P	P
Civic, social & fraternal organizations		P	P	-	-	-	P	P	P	P	-	-	-
Daycare center	30-5.7	P	P	P	P	P	P	-	-	P	P	-	-
Drive-through facility	30-5.9	P	P	-	-	-	P	P	P	P	P	P	P
Emergency shelters		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment sales, rental and leasing, light		-	P	P	P	-	P	P	-	P	P	P	P
Food distribution center for the needy	30-5.12	-	-	-	-	-	S	-	S	S	-	-	-
Food truck	30-5.35	P	P	A	A	P	P	P	P	P	P	P	P
Fuel dealers		S	S	-	-	-	S	P	-	-	-	P	P
Funeral homes and crematories		P	P	P	P	-	P	P	-	-	-	-	-
Gasoline/alternative fuel stations	30-5.13	S	S	-	-	-	P	P	P	S	P	S	S
Go-cart raceway and rentals (indoor and outdoor)		-	-	-	-	-	-	-	-	-	-	S	S
Health services		P	P	P	P	P	-	-	-	-	P	-	-
Hotels and motels		S	S	-	-	S	P	-	P	P	S	-	-
Ice manufacturing/vending machines	30-5.38	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.14	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard/Salvage Yard	30-5.15	-	-	-	-	-	-	-	-	-	-	S	P
Laboratories, medical and dental		P	P	P	P	P	P	-	-	P	P	P	P

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Libraries		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication, and processing	30-5.16	P	P	-	S	S	S	P	-	P	P	P	P
Liquor stores		P	P	-	-	-	P	P	P	-	P	-	-
Medical marijuana dispensing facility		P	P	A <sup>1</sup>	A <sup>1</sup>	S	P	P	P	P	P	S	S
Microbrewery Microwinery Microdistillery <sup>3</sup>	30-5.17	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouses, self-storage		-	-	-	-	-	-	-	-	P	P	P	P
Museums and art galleries		P	P	P	P	P	P	-	P	P	P	-	-
Offices		P	P	P	P	P	P	P	P	P	P	P	P
Offices, medical and dental		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage, principal use	30-5.19	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (as a principal use)	30-5.20	-	S	-	-	-	S	P	-	P	P	-	-
Passenger transit or rail stations		S	S	-	-	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P
Places of religious assembly	30-5.21	P	P	P	P	P	P	P	P	P	P	-	-
Public administration buildings		P	P	P	P	P	P	P	P	P	P	P	-
Public maintenance and storage facilities		-	-	-	-	-	-	-	-	P	P	P	P
Public parks		S	S	S	S	P	P	P	P	P	P	P	P
Recreation, indoor		P	P	P	P	P	P	P	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	S	P	P	S	-	P	P
Recycling centers		-	S	-	-	-	S	-	-	-	S	S	P
Rehabilitation centers	30-5.24	S	S	S	S	-	S	-	-	S	-	S	
Research, development and testing facilities		-	-	-	-	P	P	-	-	P	P	P	P
Residences for destitute people	30-5.22	S	S	S	S	-	S	-	S	-	-	-	-
Restaurants		P	P	-	S	P	P	P	P	P	P	P	P
Retail nurseries, lawn and garden supply stores		P	P	-	-	-	P	P	-	P	P	P	-
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S
Schools, elementary, middle & high (public & private)		P	P	S	S	-	P	-	-	-	P	-	-
Schools, professional		P	P	P	P	P	P	P	-	P	P	P	P

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
Schools, vocational and trade		-	P	P	P	-	P	P	-	P	P	P	P
Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
Sexually-oriented cabarets	30-5.23	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented motion picture theaters	30-5.23	-	-	-	-	-	-	-	P	-	-	-	P
Sexually-oriented retail store	30-5.23	-	-	-	-	-	P	-	P	-	-	-	P
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-
Social service facility	30-5.25	S	S	S	S	-	-	-	-	-	P	S	S
Solar generation station	30-5.27	-	-	-	-	-	-	-	-	P	-	P	P
Truck or bus terminal/maintenance facilities		-	-	-	-	-	-	P	P	P	P	P	P
Vehicle repair	30-5.28	-	-	-	-	-	-	P	P	P	-	P	P
Vehicle rental		-	-	-	-	-	P	P	P	P	P	P	-
Vehicle sales (no outdoor display)		-	-	-	-	-	P	P	P	P	-	P	-
Vehicle sales (with outdoor display)		-	-	-	-	-	-	P	-	P	-	P	P
Vehicle services	30-5.28	S	S	-	-	-	P	P	P	P	S	P	P
Veterinary services	30-5.29	P	P	P	P	P	P	P	P	P	P	P	P
Warehouse/distribution facilities (<100,000 SF)		-	-	-	-	-	-	-	-	P	P	P	P
Warehouse/distribution facilities (>100,000 SF)		-	-	-	-	-	-	-	-	P	P	P	P
Waste management facilities		-	-	-	-	-	-	-	-	S	-	P	P
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P
Wireless communication facilities	30-5.30												

- 1 **LEGEND:**
- 2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.
- 3 1 = Only when accessory to and in the same building as health services or offices of physicians, dentists,
- 4 and other health practitioners.
- 5 2 = Accessory to and in the same building as health services and comprising less than 25% of the gross
- 6 floor area of the building.
- 7 3 = Prohibited where adjacent to single-family zoned property.

**Section 30-4.20. Dimensional Standards.**

The following tables contain the dimensional standards for the various uses allowed in each district.

**Table V - 8: Mixed-Use and Nonresidential Districts Dimensional Standards.**

	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	W	BI	I-1	I-2
<b>DENSITY/INTENSITY</b>												
Residential density (units/acre)												
Min <sup>1</sup>	8	12	None	None	10	None	None	None	8	None	None	None
Max	30	30	20	20	30	None	None	None	30	None	None	None
Nonresidential building coverage	60%	75%	40%	50%	50%	None	None	None	None	None	None	None
Nonresidential GLA (max)	100,000 <sup>2</sup>	None <sup>2</sup>	None	None	None	None	None	None	None	None	None	None
<b>LOT STANDARDS</b>												
Min lot area (sq. ft.)	None	None	6,000	6,000	None	None	None	6,000	None	None	None	None
Min lot width (ft.)	None	None	60	60	None	None	None	60	None	None	None	None
Min lot depth (ft.)	None	None	90	90	None	None	None	90	None	None	None	None
<b>SETBACKS (ft.)</b>												
Front	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	10 min 100 max	15 min	10 min 100 max	25 min	25 min	25 min	25 min
Side-street (min)	15	15	10	10	10	10	15	10	25	20	25	25
Side-interior (min)	10	10	10	10	10	10	10	10	10 <sup>4</sup>	10	10 <sup>4</sup>	20 <sup>4</sup>
Rear (min)	10	10	10	10	10	10	15	10	10 <sup>4</sup>	20	10 <sup>4</sup>	10 <sup>4</sup>
<b>MAXIMUM BUILDING HEIGHT (stories)</b>												
By right	5	5	3	3	5	5	5	5	5	5	5	5
With building height bonus	8	8	-	-	8	8	-	8	-	-	-	-

**LEGEND:**

1 = Lots that existed on November 13, 1991, as recorded in the city and that are less than or equal to 0.5 acres in size are exempt from minimum density requirements.

2 = Developments of 50,000 sq. ft. or more of gross leasable area shall be located along arterials or collectors, as defined in the official roadway map.

3 = Where the yard abuts and is used for access to a railroad siding, the minimum setback shall be zero feet.

4 = Where the rear or side yard abuts U1 or single-family residential zoning or a historic district, Section 30-4.8 development compatibility standards shall apply.

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**Section 30-4.21. Design Standards.**

**A. Parking.**

- 1. Motor vehicle parking is required in accordance with Article VII. All motor vehicle parking except a double-loaded row of parking shall be located in the rear and/or interior side of the building, unless such a location is prevented by topography, stormwater retention or significant trees, as determined by the appropriate reviewing board, City Manager or designee. In no case shall more than 50% of the parking be located between the front facade and the primary abutting street, unless modified by the appropriate reviewing board, City Manager or designee. However, driveway entrances and exits to parking areas shall be allowed on the front side of the building. There shall be no limit on the number of parking spaces in parking structures.
- 2. Bicycle parking spaces shall be installed as required by Article VII. Such parking may encroach into the public right-of-way and may be located within the building frontage and/or landscape zones. Bicycle parking requirements may be waived if public bicycle parking exists to serve the use.

**B. Sidewalks.**

- 1. All developments, unless provided otherwise in this chapter, shall provide sidewalks along all street frontage. All developments shall provide pedestrian connections from the public sidewalk to the principal building. Entrance sidewalks shall be a minimum of 5 feet of clear width.
- 2. *Minimum sidewalk widths.*

<b>Multi-Family Residential/Industrial</b>	<b>Commercial/Institutional/Office/Mixed-Use</b>
7 feet	8 feet

The minimum unobstructed width shall be 2 feet less than the required sidewalk width, as long as at least 5 feet of unobstructed width is retained. At transit stops, the minimum width is 8 feet of unobstructed width.

**C. Building orientation.**

The main entrance of buildings or units shall be located on the first floor on the more primary street.

**D. Glazing.**

Building walls facing the more primary street shall have non-reflective, transparent windows or glazed area covering at least 25% of their surface at pedestrian level (between 3 feet and 8 feet above grade) on the first floor. Operable transparent entrance doors may be included in the calculation of total facade surface area.

**E. Mechanical equipment.**

All mechanical equipment shall be placed on the roof, in the rear or side of the building, and shall be screened with parapets or other types of visual screening.



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## DIVISION 7. SUBDIVISIONS

### Section 30-3.33. Purpose.

This division is intended to provide standards for the division of land in a manner that would facilitate the coordination of land development in accordance with orderly physical patterns; to encourage development of an economically stable and healthful community; to ensure proper identification, monumentation and recording of real estate boundaries; to ensure that adequate and necessary physical improvements of lasting quality will be installed in subdivisions by the subdividers and that taxpayers will not bear this cost; to provide for safe and convenient vehicle, bicycle, pedestrian and transit access; to provide an efficient, adequate, and economic supply of utilities and services to new land developments; to prevent periodic or seasonal flooding and to protect groundwater and surface water quality through provision of protective flood control and stormwater management facilities; to help conserve and protect physical and scenic resources; to sustain and replenish the urban forest; to promote the public health, safety, comfort, convenience, and general welfare; and to implement the Comprehensive Plan.

### Section 30-3.34. Lot Splits and Lot Line Adjustments.

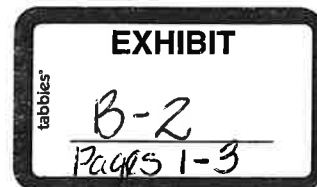
A. *Lot splits.* Lot splits shall be processed as follows:

1. *Lot split restrictions.*

- a. Lot splits are not permitted in minor subdivisions approved in accordance with the provisions of this chapter.
- b. No further division of an approved lot split is permitted, unless a minor subdivision or record plat is prepared and submitted in accordance with this chapter.
- c. Only those lot splits that do not require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement required under this chapter may be processed under this section.

2. *Lot split standards.*

- a. Each proposed lot shall conform to the provisions of this chapter.
- b. Each lot shall front a public street or approved private street for the required minimum lot width for the zoning district where the lots are located, except as provided in Section 30-6.8.
- c. If any lot abuts a public right-of-way that does not conform to the design specifications provided in Section 30-6.6 B, as further specified in the Design Manual, the owner may be required to dedicate, at no cost to the city, one-half of the right-of-way width necessary to meet the minimum design requirements.
- d. A lot split shall be allowed only where water, sewer, fire and solid waste services are available to service the proposed lots. Alternatively, in the event city water or sewer is not available at any lot line, the lot may be served by a well or septic tank; provided the lot is a minimum size of one acre and the well or septic tank is permitted and approved by the governmental agencies with jurisdiction. Based on the review by the governmental permitting agencies, a well or septic tank may not be allowed within the wellfield districts, special environmental concern areas or areas with the presence of hazardous materials or known environmental contamination, due to health and safety concerns. Further, at the





1 time city water or sewer become available at the lot line, the property owner shall, at its  
2 sole expense, connect to city water or sewer. This connection requirement shall run with  
3 the land and shall be evidenced in a written document executed by the property owner and  
4 recorded in the public records of Alachua County, Florida, at the time of approval of the lot  
5 split. In the case of a vacant lot, the connection shall be required at the time of application  
6 for development. In the case of existing development (other than single-family or two-  
7 family), the connection shall be required at the time of application for development plan  
8 review at the rapid review level or higher. In the case of single-family or two-family  
9 development, the connection shall be required at the time of application for a permit for an  
10 additional bathroom or for any structure equal to or greater than 25% of the square footage  
11 of the existing principal structure.

12 3. *Review.*

13 a. *Application.* After a mandatory pre-application conference with staff, an application shall be  
14 completed on a form prescribed by the city and submitted together with the following:

15 i. A boundary survey and lot split for the proposed division prepared by a professional land  
16 surveyor registered in the state according to Chapter 472, Florida Statutes. The proposed  
17 lot split shall show the intended division, legal descriptions, and acreage for the parent  
18 parcel and proposed lots.

19 ii. A statement indicating the location where water or sanitary sewer service is available to  
20 the property, and a statement indicating that all utility service shall be installed beneath  
21 the surface of the ground in accordance with Section 30-8.2.

22 b. Upon receipt of a completed application, the several departments of the city shall review  
23 and provide comment.

24 c. If the proposed lot split meets the conditions of this section and otherwise complies with all  
25 applicable laws and ordinances, the City Manager or designee shall approve the lot split by  
26 affixing his or her signature to the application form.

27 d. Upon approval of the lot split, the city shall record the split on the appropriate maps and  
28 documents in the city. In addition, the applicant shall file lot splits with the Alachua County  
29 Property Appraiser's office and in the public records of Alachua County.

30 B. *Lot line adjustments.* The lot lines of lots within an existing minor subdivision or existing lot split may  
31 be altered in accordance with the following requirements. A lot line adjustment shall only be used  
32 to adjust the lot lines of existing lots that were created by minor subdivision or lot split and shall not  
33 be used to further subdivide existing lots or create new lots.

34 1. An application for a lot line adjustment, signed by the owners of all lots that will be adjusted,  
35 shall be completed on a form prescribed by the city and submitted together with a surveyor's  
36 affidavit prepared by a professional land surveyor registered in the state that describes and  
37 depicts the adjustment in the lot lines and references the filing or recording information for the  
38 minor subdivision or lot split.

39 2. The applicant shall pay the same fee as for a lot split as specified in Appendix A.

40 3. The application shall be reviewed by city staff to verify that the requested adjustment, if  
41 approved, will not create any nonconformity or violations of this chapter. If same are created,  
42 the application shall be denied.

- 1 4. The lot line adjustment, if approved by the City Manager or designee, shall not be effective until  
2 the applicant records the surveyor's affidavit in the public records of Alachua County.

3 **Section 30-3.35. Single Lot Replatting.**

- 4 A. *Purpose.* The purpose of this section is to establish an abbreviated process by which existing  
5 (improved) subdivision lots may be replatted without going through the standard process of platting  
6 or replatting subdivisions.
- 7 B. *Applicability.* Individual lots shown on recorded plats that depict easements or front, side, or rear  
8 building setback lines may be replatted under this section. The lot shall be improved (building or  
9 structure) and there shall be an encroachment upon one or more of the building setback lines or  
10 easements indicated on the recorded plat.
- 11 C. *Review.*
- 12 1. *Application.* An application, on a form prescribed by the city, shall be completed and submitted  
13 together with the following:
- 14 a. The proposed (final) plat of the lot. The record plat should be signed by all lot owners of  
15 record and mortgagees, if any.
- 16 b. A survey of the lot and improvements certified by a professional land surveyor registered in  
17 the state according to Chapter 472, Florida Statutes. The survey should be drawn and  
18 submitted on a drawing no less than 11 inches by 17 inches in size.
- 19 c. Copies of the existing recorded subdivision.
- 20 d. Title evidence that conforms to the requirements of Section 177.041, Florida Statutes.
- 21 e. Taxes paid receipt.
- 22 f. Formal consent of the requisite number of owners of properties within the subdivision or  
23 from the authorized representative of the homeowners association of the subdivision or  
24 other authorized entity or individual affixed to or attached to the linen or film that will be  
25 recorded in the public records.
- 26 g. In the event there is an encroachment over, under, upon or through an easement, the  
27 release or extinguishment of the easement from applicable utilities.
- 28 h. An opinion from an attorney addressed to the City of Gainesville that the homeowners  
29 association, entity, or owners of property have the authority to amend the restrictions, plat  
30 lines, easements, as applicable, and that the consent has been properly executed by the  
31 appropriate parties.
- 32 2. Upon receipt of a completed application, the several departments of the city shall review and  
33 provide comment.
- 34 3. Upon the adoption of a resolution approving the replat of the single lot, the original linen or  
35 stable base film drawing of the replat shall be recorded with the clerk of the circuit court. It shall  
36 be recorded by the property owner requesting replat with all fees paid by that owner. Upon  
37 recording the replat, copies shall be submitted to the city in the form prescribed by the city.

38 **Section 30-3.36. Minor Subdivisions.**

- 39 A. *Minor subdivision standards.*

## **Appendix C**

### **Technical Review Committee Comments**

Department Review Status Report

Project Name: Streit's Rezoning, PB-18-125 ZON

Application Type: Rezoning

Public Hearing Date: 11/29/2018

Cycle	Department	Reviewer	Status	Reviewer Comments	Applicant Comments
1	Alachua County EPD	Gus Olmos	Approved	There are no hazardous materials concerns associated with the proposed project.	
	Building Coordinator	John Freeland	Approved		
	Gainesville Fire Rescue Department	Tom Burgett	Approved	Approvable	
	GRU New Services Department	Wendy Mercer	Approved		
	Planners	Bedez Massey	Corrections Required		See uploaded response report dated 10/16/18
	Public Works - Design	Rick Melzer	Approved		
	Public Works Constructability	Matt Williams	No Review Required		
	Public Works Solid Waste	Steve Joplin	Approved		
	Public Works Stormwater	Mary Frieg	Approved		
	Public Works Survey	Pat Durbin	No Review Required	No drawings found.	No survey needed for rezoning
	Public Works Traffic Studies	Scott Wright	Approved	Please provide appropriate trip generation or traffic study at development review stage.	So noted
	RTS	Krys Ochia	No Review Required		
	SJRWMD	Lila Stewart	No Review Required		
	Transportation Mobility	Jason Simmons	Approved	Please note that this development is located in Zone B of the Transportation Mobility Program Area and must meet all relevant Transportation Mobility Element Policy 10.1.4 and 10.1.6 criteria. Based on the estimated average daily trip generation for a proposed development project, the development will need to meet a certain number of Transportation Mobility Element Policy 10.1.6 criteria. Also note that depending on the amount of the estimated PM peak hour trips, a traffic study may be needed.	So noted
Urban Forestry	Liliana Kolluri	Approved	No regulated natural or archeological resources, wetlands, or surface waters are known to exist on the subject property. However, Hogtown Creek headwaters and associated wetlands are on the adjacent conservation property. Setbacks defined in Sec. 30-8.19 of the LDC apply to these resources.	So noted	
Environmental	Lila Stewart	No Review Required			

## **Appendix D**

### **Supplemental Documents**

Prepared by and return to:  
**Philip A. DeLaney**  
Attorney at Law  
**Scruggs & Carmichael, P.A.**  
4041 N.W. 37th Place, Suite B  
Gainesville, FL 32606  
PAD: 06-1789-A

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2428974 5 PGS  
2008 MAY 20 04:27 PM BK 3788 PG 548  
J. K. "BUDDY" IRBY  
CLERK OF CIRCUIT COURT  
ALACHUA COUNTY, FLORIDA  
CLERK10 Receipt#372527  
Doc Stamp-Deed: 0.70

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## Quit Claim Deed



This Quit Claim Deed made this 15th day of May, 2008 between

**Home Depot U.S.A., Inc.**, a Delaware corporation,  
whose post office address is **Tax Department/Janet Murray, P.O. Box 105842, Atlanta, GA 30348-5842**, First  
Party, and

**Streit's Inc.**, a Florida corporation,  
whose post office address is **4820 N.W. 13th Street, Gainesville, FL 32609**, Second Party:

(Whenever used herein the terms "First Party" and "Second Party" shall include singular and plural, heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the said First Party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid by the said Second Party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Second Party forever, all right, title, interest, claim or demand which the said First Party has in and to the following described lot, piece or parcel of land, situate, lying and being in **Alachua County Florida** to-wit:

All my right, title, and interest in and to the following described property (the "Property"):

**Legal Description Labeled Exhibit "A" Attached Hereto and By Reference Incorporated Herein**

**Parcel Identification Number: 07883-000-000** (portion of)

**Subject to taxes for 2008 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.**

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.



TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever. By accepting this quit claim deed, the Second Party is deemed to have assumed all of First Party's obligations relating to the Property.



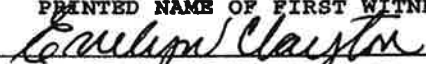
IN WITNESS WHEREOF, the First Party has hereunto set First Party's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Home Depot U.S.A., Inc., a  
Delaware corporation

BY:  <sup>MAY 14 08</sup>  
Michael T. McGuire  
Vice President Real Estate Law 

  
SIGNATURE OF FIRST WITNESS  
Leah Rich

PRINTED NAME OF FIRST WITNESS  
  
SIGNATURE OF SECOND WITNESS  
EVELYN CLAYTON  
PRINTED NAME OF SECOND WITNESS

(Corporate Seal)



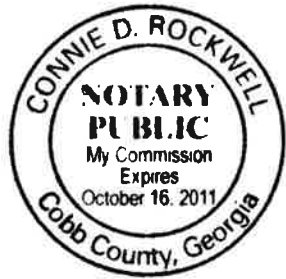
STATE OF Georgia

INSTRUMENT # 2428974  
5 PGS

COUNTY OF Cobb

The foregoing instrument was acknowledged before me this 14  
day of May, 2008, by Michael T. McGuire. He/she  
is personally known to me or who has produced  
\_\_\_\_\_ as identification.

NOTARY SEAL



Connie D. Rockwell  
(SIGNATURE OF NOTARY PUBLIC)

Connie D. Rockwell  
(PRINTED, TYPED OR STAMPED NAME OF  
NOTARY PUBLIC)  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**Exhibit A**

INSTRUMENT # 2428974  
5 PGS

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
THAT PART OF 3RD STREET (NW 49TH AVENUE), A 50 FOOT RIGHT-OF-WAY, LYING NORTH OF BLOCK 17 OF "PARADISE" A SUBDIVISION AS PER PLAT THEREOF AS RECORDED IN PLAT "A", PAGE 4 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND SOUTH OF PARCEL 4 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 85 OF SAID PUBLIC RECORDS AND LYING EAST OF PARCEL 5 OF SAID MINOR SUBDIVISION AND LYING WEST OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 26 & NW 13TH STREET) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 2602-(113)209, DATED: 9-17-56 (RIGHT-OF-WAY WIDTH VARIES)

Parcel Identification Number: 07883-000-000 (portion of)

File Number: 06-1789-A

DoubleTimes

NR

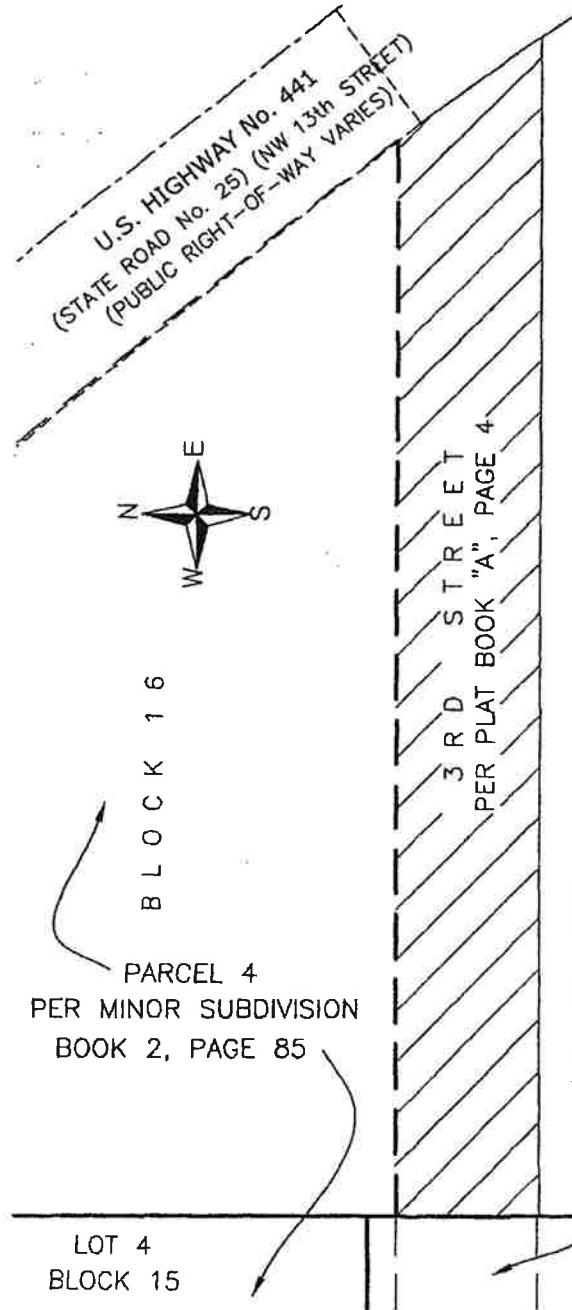
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA

## LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF 3RD STREET (NW 49TH AVENUE), A 50 FOOT RIGHT-OF-WAY, LYING NORTH OF BLOCK 17 OF "PARADISE", A SUBDIVISION AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGE 4 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND SOUTH OF PARCEL 4 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 85 OF SAID PUBLIC RECORDS AND LYING EAST OF PARCEL 5 OF SAID MINOR SUBDIVISION AND LYING WEST OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 26 & NW 13TH STREET) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 2602-(113)209, DATED: 9-17-56 (RIGHT-OF-WAY WIDTH VARIES)



TAX PARCEL #7895  
BLOCK 17

"VACATED" PER  
O.R. BOOK 1772, PAGE 2471  
PARCEL 5  
PER MINOR SUBDIVISION  
BOOK 2, PAGE 85

INSTRUMENT # 2128974  
5 PGS

## CERTIFICATE OF SURVEYOR:

(NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL-MADE SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)  
I DO HEREBY CERTIFY THAT THE SURVEY DATA SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY SUPERVISION OF THE HEREON DESCRIBED PROPERTY, AND IT MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES AND CHAPTER 61G17.

BY:   
ALAN J. HAAKER, P.S.M. - REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATE #5548  
DATE: 1-15-08

ABBREVIATIONS  
O.R. = OFFICIAL RECORDS

22031-07.DWG

 <b>BROWN, HAAKER &amp; OWEN</b> LAND SURVEYORS, INC. 4421 NW 39th AVE, Suite 2-2, GAINESVILLE, FL 32606		PH: (352) 371-7841
		FAX: 371-7844
SCALE: 1" = 50'		LB #7482
DATE: 1-15-2008		DRAWN BY: S.L.L.
THIS IS NOT A BOUNDARY SURVEY		CHECKED BY:
PREPARED FOR: STREET'S MOTORSPORTS		WORK ORDER # 22587-07

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2428973 7 PGS

2008 MAY 20 04:27 PM BK 3788 PG 541

J. K. "BUDDY" IRBY  
CLERK OF CIRCUIT COURT  
ALACHUA COUNTY, FLORIDA  
CLERK10 Receipt#372527  
Doc Stamp-Deed: 2,100.00

Philip A. DeLaney  
Attorney at Law  
Scruggs & Carmichael, P.A.  
4041 N.W. 37th Place, Suite B  
Gainesville, FL 32606  
352-374-4120  
PAD: 06-1789-A

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Data]



2428973

## Special Warranty Deed

**This Special Warranty Deed** made this 15th day of May, 2008 between

**Home Depot U.S.A., Inc.**, a Delaware corporation whose address is Tax Department/Janey Murray,  
P.O. Box 105842, Atlanta, GA 30348-5842, Grantor, and

**Streit's Inc.**, a Florida corporation whose address is 4820 N.W. 13th Street, Gainesville, FL 32609,  
Grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said Grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Alachua County, Florida, (the "Property") to-wit:

**Legal Description Labeled Exhibit "A" Attached Hereto and By Reference Incorporated Herein**

**Parcel Identification Number: 07883-000-000** (portion of)

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, forever,

**To Have and to Hold**, the same in fee simple forever. By accepting this Deed, Grantee is deemed to have assumed all of Grantor's obligations relating to the Property under the Permitted Exceptions set forth on Exhibit "B" attached hereto and made apart hereof.

**Grantor** hereby fully warrants title to the above described Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but none other.

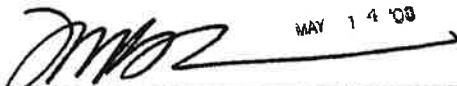
# Special Warranty Deed

Page 2

In Witness Whereof, The Grantor has caused thee presents to be executed by its proper officer therunder duly authorized, and its seal affixed, on the day and year first above written.

Signed, sealed and delivered in our presence:


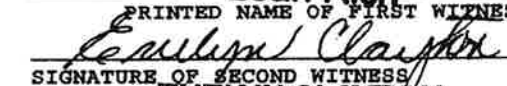
Home Depot U.S.A., Inc., a Delaware corporation

BY:  MAY 14 '09  
Michael T. McGuire  
Vice President Real Estate Law

NR  
O.C.  


(Corporate Seal)



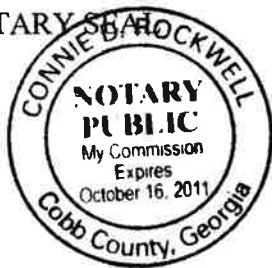
  
SIGNATURE OF FIRST WITNESS  
Leah Rich  
PRINTED NAME OF FIRST WITNESS  
  
SIGNATURE OF SECOND WITNESS  
EVELYN CLAYTON  
PRINTED NAME OF SECOND WITNESS

STATE OF Georgia  
COUNTY OF Cobb

INSTRUMENT # 2428973  
7 PGS

The foregoing instrument was acknowledged before me this 14 day of May, 2008, by Michael T. McGuire. He/she is personally known ~~to~~ me or who has produced \_\_\_\_\_ as identification.

NOTARY SEAL



Connie D. Rockwell  
(SIGNATURE OF NOTARY PUBLIC)

Connie D. Rockwell  
(PRINTED, TYPED OR STAMPED NAME OF NOTARY PUBLIC)

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Exhibit A

INSTRUMENT # 2428973  
7 PGS

A PARCEL OF LAND LYING IN PARCEL 4 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 441 AND NW 53<sup>RD</sup> AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19<sup>TH</sup> STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53<sup>RD</sup> AVENUE; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.50 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 44°14'50"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 395.95 FEET; THENCE RUN NORTH 89°13'02" EAST, 464.51 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°42'01" WEST, 426.55 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 25 & NW 13<sup>TH</sup> STREET) AND A POINT ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5679.58 FEET, A CENTRAL ANGLE OF 05°47'49" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 41°17'15" EAST, 574.39 FEET, RESPECTIVELY; THENCE RUN SOUTHEASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, AN ARC DISTANCE OF 574.63 FEET; THENCE RUN SOUTH 89°11'43" WEST, A DISTANCE OF 373.70 FEET; THENCE RUN NORTH 00°42'01" WEST, 10.33 FEET TO THE POINT OF BEGINNING.

NR

**Exhibit B**

INSTRUMENT # 2428973  
7 PGS

1. The lien of all taxes for the year 2008 and thereafter, which are not yet due and payable.
2. Any lien for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records.
3. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously under water.
4. Taxes or special assessments not shown as lien in the public records or in the records of the local tax collecting authority, at Date of Policy.
5. Any minerals or mineral rights lease, granted or retained by current or prior owners.
6. Any lien or right to a lien for labor, services or materials provided in connection with the construction of the improvements referred to in the Notice of Commencement filed 07/03/2007 in Book 3632, page 1261.
7. Deed restrictions recorded in O.R. Book 3788 Page 536

**HOME DEPOT U.S.A., INC.  
UNANIMOUS WRITTEN CONSENT OF THE MEMBERS OF THE  
BOARD OF DIRECTORS IN LIEU OF A SPECIAL MEETING**

Pursuant to Title 8, Section 141(f) of the General Corporation Law of the State of Delaware and Article II, Section 9 of the bylaws of Home Depot U.S.A., Inc., a Delaware corporation (the "Company"), the undersigned, being all of the members of the Board of Directors of the Company, hereby consent to and take the actions set forth below effective as of March 3, 2008:



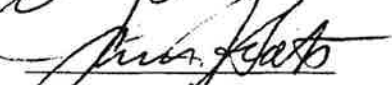


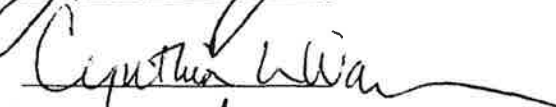



RESOLVED, that the Executive Vice President, Secretary and General Counsel, the Senior Vice President - Real Estate, the Vice President - Real Estate, the Vice President - Real Estate Law, each Company employee with the title of Senior Counsel - Real Estate Law, Counsel - Real Estate Law, Senior Attorney - Real Estate Law, and Attorney - Real Estate Law, and each of them acting alone or together, or their duly delegated designee, are hereby authorized and directed, in the name of the Company, to take such steps as are necessary or desirable to effect the Company's policy of expansion and maintenance of its properties including, but not limited to, the acquisition, disposition or financing of real estate, the execution of Leases, Reciprocal Easement Agreements, Development Agreements, Easements, Servitudes, Rights of Way, Assignments and any amendments or modifications to the foregoing, or any other instrument required to accomplish the aforesaid Company purposes; and

FURTHER RESOLVED, that the Executive Vice President, Secretary and General Counsel, the Senior Vice President - Real Estate, the Vice President - Real Estate, the Vice President - Real Estate Law, each Company employee with the title of Senior Counsel - Real Estate Law, Counsel - Real Estate Law, Senior Attorney - Real Estate Law, Attorney - Real Estate Law, and each of them acting either alone or together, or their duly delegated designee, are hereby authorized and directed, in the name of the Company, to take, or cause to be taken, any and all actions and to execute and deliver any and all such other contracts, assignments, easements, conveyances, deeds, leases, subleases, agreements, certificates, instruments or any other documents as such individual or delegated designee may consider necessary or desirable to carry out the foregoing resolution and the transactions contemplated thereby; and

FURTHER RESOLVED, that these resolutions hereby revoke and supersede any other resolutions that heretofore granted the delegation of corporate authority to execute and deliver real estate documents by and on behalf of the Company.



2. The persons named below were on the date hereof the duly designated and qualified signatories of the Corporation, as set opposite his or her respective name, and that the signature appearing opposite his or her name, is the genuine facsimile signature of said signatory:

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Michael C. LaFerle	Vice President Real Estate	
Michael T. McGuire	Vice President Real Estate Law	
James J. Scott	Senior Counsel Real Estate Law	
Ann K. Jerhoff	Counsel Real Estate Law	
Jacob R. Pritcher, Jr.	Counsel Real Estate Law	
Cynthia L. Warren	Counsel Real Estate Law	
Brett D. Soloway	Counsel Real Estate Law	
Erika M. Strawn	Senior Attorney Real Estate Law	
Thomas K. Anderson	Senior Attorney Real Estate Law	

IN WITNESS WHEREOF, the undersigned has hereunto affixed the seal of the Corporation and set his/her signature, on this, the 14<sup>th</sup> day of May, 2008.

[CORPORATE SEAL]



Name: **Deborah L. Strawn**  
Title: **Assistant Secretary**



RECORD 205.59  
DOC. STAMPS 33,600.00  
INT. TAX             
TOTAL 33,805.59

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2428979 24 PGS  
2008 MAY 20 04:39 PM BK 3788 PG 557  
J. K. "BUDDY" IRBY  
CLERK OF CIRCUIT COURT  
ALACHUA COUNTY, FLORIDA  
CLERK13 Receipt#372531  
Doc Stamp-Deed: 33,600.00

Prepared By & Return To:  
Philip A. DeLaney,  
Scruggs & Carmichael, P.A.  
Post Office Box 23109  
Gainesville, Florida 32602  
PAD 06-1789

## WARRANTY DEED

THIS INDENTURE, made this 15th day of May, A.D. 2008, between Home Depot U.S.A., Inc., a Delaware corporation, whose address is P.O. Box 105842, Atlanta, Georgia 30348-5842, Attention: Tax Department/ Janet Murray ("Grantor"), and City of Gainesville, a municipal corporation whose post office address is c/o Nicole M. Shalley, Assistant City Attorney, P.O. Box 1110, Gainesville, FL 32602-111, ("Grantee"),

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "Grantor" and "Grantee" are used for singular and plural, as the context requires and the use of any gender shall include all genders.)

WITNESSETH: That the said Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in Alachua County, Florida, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof.

"By acceptance of this warranty deed, the Grantee hereby agrees that the use of the Property described herein shall be subject to the covenants and restrictions as set forth in the Declaration of Restrictive Covenants attached hereto as Exhibit B and recorded in the Public Records of Alachua County, Florida. These covenants and restrictions shall run with the Property herein described. If any term or condition of the Declaration of Restrictive Covenants is violated by the Grantee or by some third party with the knowledge of the Grantee and the Grantee does not correct the violation pursuant to the Declaration of Restrictive Covenants, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida in accordance with Chapter 380, Part III, Florida Statutes." By accepting this Warranty Deed, Grantee is deemed to have assumed all of Grantor's obligations relating solely to the Property described herein under the permitted exceptions set forth on Exhibit C ("Permitted Exceptions"); provided, however, with respect to the Conservation Easement from Grantor to the St. Johns River Water Management District, recorded in O.R. Book 3623, Page 838, Grantee is deemed to have only assumed Grantor's obligations relating solely to the Property described herein and arising from and after the Grantee's acceptance of this deed.

**Property Appraiser's Parcel Identification Number:**

Portions of the parcels identified as 07883-000-000 & 07883-001-000 and as more particularly described on Exhibit A attached hereto and made a part hereof.

This conveyance is subject to easements, restrictions, limitations and conditions of record if any now exist, but any such interests that may

have been terminated are not hereby re-imposed.



# WARRANTY DEED

[This property is not the homestead property of the grantor, nor contiguous to homestead property, as such homestead is defined under Florida law.]

AND except as to any claims arising from or with respect to the Permitted Exceptions, the said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the grantor has hereunto set grantor's hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of:

Home Depot U.S.A., Inc., a Delaware corporation

*Leah Rich*  
SIGNATURE OF FIRST WITNESS

BY: *[Signature]* <sup>MAY 14 '08</sup> *NR*  
O.C.

**Leah Rich**

Michael T. McGuire

PRINTED NAME OF FIRST WITNESS

Vice President Real Estate Law

*Evelyn Clayton*  
SIGNATURE OF SECOND WITNESS

(Corporate Seal)

**EVELYN CLAYTON**

PRINTED NAME OF SECOND WITNESS



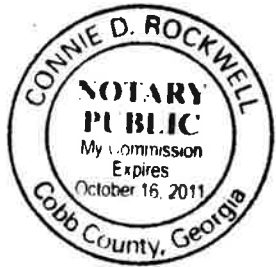
WARRANTY DEED

INSTRUMENT # 2428979  
24 PGS

STATE OF Georgia  
COUNTY OF Cobb

The foregoing instrument was acknowledged before me this 14 day of May 2008, by Michael T. McGuire. He/she is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY SEAL



Connie D. Rockwell  
(SIGNATURE OF NOTARY PUBLIC)

Connie D. Rockwell  
(PRINTED, TYPED OR STAMPED NAME OF NOTARY PUBLIC)  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## WARRANTY DEED

Exhibit A

### Legal Description

PARCELS 4 AND 5 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### PARCEL 4

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.50 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 07°47'06"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 69.66 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 06°31'22" EAST, 69.55 FEET; THENCE NORTH 38°27'24" WEST, 51.57 FEET; THENCE NORTH 10°22'47" EAST, 29.85 FEET; THENCE NORTH 00°02'42" WEST, 52.18 FEET; THENCE NORTH 77°01'02" EAST, 50.14 FEET; THENCE NORTH 32°06'10" EAST, 135.13 FEET; THENCE NORTH 47°07'05" EAST, 55.68 FEET; NORTH 29°57'57" EAST, 77.00 FEET; THENCE NORTH 23°30'55" EAST, 17.27 FEET; THENCE NORTH 16°03'26" EAST, 4.00 FEET; THENCE NORTH 74°42'11" EAST, 58.49 FEET; THENCE NORTH 65°23'58" EAST, 73.31 FEET; THENCE NORTH 82°30'34" EAST, 94.85 FEET; THENCE NORTH 60°06'29" EAST, 59.75 FEET; THENCE NORTH 43°54'18" EAST, 31.28 FEET; THENCE NORTH 65°16'51" EAST, 48.46 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 25 & NW 13TH STREET); THENCE RUN SOUTH 46°38'42" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 75.89 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5679.58 FEET AND A CENTRAL ANGLE OF 08°26'00" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 42°36'21" EAST, 835.22 FEET, RESPECTIVELY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 835.98 FEET; THENCE RUN SOUTH 89°11'43" WEST, 373.70 FEET; THENCE NORTH 00°42'01" WEST, 10.33 FEET; THENCE SOUTH 89°13'02" WEST, 464.51 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 36°27'44"; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 326.29 FEET TO THE POINT OF BEGINNING. CONTAINING 11.10 ACRES, MORE OR LESS.

#### LESS AND EXCEPT

A PARCEL OF LAND LYING IN PARCEL 4 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE

**WARRANTY DEED**

NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.50 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 44°14'50"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 395.95 FEET; THENCE RUN NORTH 89°13'02" EAST, 464.51 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°42'01" WEST, 426.55 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 25 & NW 13TH STREET) AND A POINT ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5679.58 FEET, A CENTRAL ANGLE OF 05°47'49" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 41°17'15" EAST, 574.39 FEET, RESPECTIVELY; THENCE RUN SOUTHEASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, AN ARC DISTANCE OF 574.63 FEET; THENCE RUN SOUTH 89°11'43" WEST, A DISTANCE OF 373.70 FEET; THENCE RUN NORTH 00°42'01" WEST, 10.33 FEET TO THE POINT OF BEINNING. CONTAINING 1.94 ACRES MORE OR LESS.

## PARCEL 5

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.50 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 44°14'50"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 395.95 FEET; THENCE RUN NORTH 89°13'02" EAST, 464.90 FEET; THENCE SOUTH 00°42'01" EAST, 10.34 FEET; THENCE RUN SOUTH 00°42'02" EAST, 1297.21 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NW 45TH AVENUE; THENCE RUN SOUTH 89°13'09" WEST, 894.79 FEET; THENCE NORTH 29°36'50" WEST, 342.45 FEET; THENCE SOUTH 89°13'09" WEST, 259.54 FEET; THENCE NORTH 00°42'33" WEST, 125.00 FEET; THENCE SOUTH 89°13'09" WEST, 150.68 FEET; THENCE SOUTH 28°56'32" WEST, 201.51 FEET; THENCE SOUTH 89°13'09" WEST, 80.00 FEET; THENCE SOUTH 00°48'35" EAST, 140.00 FEET; THENCE SOUTH 29°24'49" EAST, 125.33 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°13'09" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 295.00 FEET; THENCE NORTH 58°01'35" WEST, 83.17 FEET TO THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE NORTH 00°42'53" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 566.07 FEET; THENCE NORTH 89°13'05" EAST, 634.99 FEET; THENCE NORTH 00°42'33" WEST, 686.08 FEET; THENCE SOUTH 89°13'02" WEST, 635.05 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°42'53" WEST, 304.01 FEET; THENCE NORTH 89°11'45" EAST, 305.04 FEET; THENCE NORTH 00°42'43" WEST, 354.12 FEET; THENCE SOUTH 89°10'28" WEST, 305.06 FEET; THENCE NORTH 00°42'53" WEST, 612.94 FEET TO THE POINT OF BEGINNING. CONTAINING 64.74 ACRES, MORE OR LESS.

## WARRANTY DEED

LESS AND EXCEPT

A PORTION OF PARCEL 5 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 5 AND THE POINT OF BEGINNING; THENCE RUN NORTH 89°14'27" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE AND ALONG THE NORTH LINE OF SAID TRACT 5, A DISTANCE OF 660.42 FEET TO THE NORTHEAST CORNER OF SAID TRACT 5; THENCE RUN SOUTH 00°42'33" EAST ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 155.00 FEET; THENCE SOUTH 89°14'20" WEST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 30°06'11" WEST, A DISTANCE OF 244.64 FEET; THENCE SOUTH 89°14'20" WEST, A DISTANCE OF 175.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET AND THE WEST LINE OF SAID TRACT 5; THENCE RUN NORTH 00°43'31" WEST ALONG SAID EAST RIGHT-OF-WAY LINE AND SAID WEST LINE, A DISTANCE OF 365.00 FEET TO THE POINT OF BEGINNING.

SJC

INSTRUMENT # 2428979  
24 PGS

This document prepared by:  
Kristen L. Coons, Esq.  
Florida Communities Trust  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399

DAD 06-1789

FLORIDA COMMUNITIES TRUST  
FF6 AWARD #06-095-FF6  
FCT Contract #07-CT-1F-06-F6-J1-095  
HOGTOWN CREEK HEADWATERS

**DECLARATION OF RESTRICTIVE COVENANTS**

THIS AGREEMENT is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and the CITY OF GAINESVILLE, a municipal corporation within the State of Florida ("Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

WHEREAS, the intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds, as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), that are necessary to ensure compliance with applicable Florida law and federal income tax law and to otherwise implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes;

WHEREAS, Chapter 380, Part III, Fla. Stat., the Florida Communities Trust Act, creates a non-regulatory agency within the Department of Community Affairs ("Department") that will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through either Section 259.105(3)(c), Fla. Stat. of the Florida Forever Act, which provides for the distribution of twenty-two percent (22%), less certain reductions, of the net Florida Forever Revenue Bond proceeds to the Department, or any other revenue source designated by the Florida Legislature, to provide land acquisition grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local comprehensive plans;

WHEREAS, the Florida Forever Revenue Bonds are issued as tax-exempt bonds, meaning the interest on the Bonds is excluded from the gross income of bondholders for federal income tax purposes;

DRC\06-095-FF6  
4/24/2008



WHEREAS, Rule 9K-7.009(1), Florida Administrative Code ("F.A.C."), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding;

WHEREAS, FCT has approved the terms under which the Project Site was acquired and the deed whereby the Recipient acquired title to the Project Site. The deed shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and it shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees") upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to disbursing FCT Florida Forever funds to the Recipient for Project Costs.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and the Recipient do hereby contract and agree as follows:

#### **I. PERIOD OF AGREEMENT**

1. This Agreement shall begin upon execution by both parties. The covenants and restrictions contained herein shall run with the Project Site and shall bind, and the benefit shall inure to, FCT and the Recipient and their respective successors and assigns.

#### **II. MODIFICATION OF AGREEMENT**

1. Either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

#### **III. RECORDING AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS**

1. Upon execution by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of **Alachua County, Florida**, and in such manner and in such other places as FCT may reasonably request. The Recipient shall pay all fees and charges incurred in connection therewith.

2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection shall forward this Agreement to the Department of Environmental Protection Bond

Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax-exempt status of the Florida Forever Bonds is not jeopardized, FCT and the Recipient shall amend the Agreement accordingly.

**IV. NOTICE AND CONTACT**

1. All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to the addresses specified below. Any such notice shall be deemed received on the date of delivery if by personal delivery or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100  
ATTN: Program Manager

Recipient: City of Gainesville  
P.O. Box 490, MS 6  
Gainesville, Florida 32602-0490  
ATTN: City Manager

2. In the event that a different representative or address is designated for paragraph 1. above after execution of this Agreement, notice of the change shall be rendered to FCT as provided in paragraph 1. above.

**V. PROJECT SITE TITLE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375 AND CHAPTER 380, PART III, FLA. STAT.**

1. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee containing such covenants, clauses or other restrictions as are sufficient to protect the interest of the State of Florida.

2. The interest acquired by the Recipient in the Project Site shall not serve as security for any debt of the Recipient.

3. If the existence of the Recipient terminates for any reason, title to the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District who agrees to accept title and manage the Project Site.

4. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with FCT any insurance proceeds or any condemnation award and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from FCT, FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT shall have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

#### VI. MANAGEMENT OF PROJECT SITE

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT.

2. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

3. The Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction, as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

4. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the Management Plan approved by FCT.

5. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

6. All buildings, structures, improvements and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land

alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. FCT's approval of the Recipient's Management Plan addressing the items mentioned herein shall be considered written approval from FCT.

7. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Fla. Stat. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site shall be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

8. As required by Rule 9K-7.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient shall prepare and submit to FCT an annual stewardship report that documents the progress made on implementing the Management Plan.

## VII. SPECIAL MANAGEMENT CONDITIONS

The management plan for the project site is mentioned throughout this Agreement, and is particularly described in Section IV. above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the Management Plan shall address the following conditions that are particular to the project site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-7.009(1), F.A.C.:

1. Two or more resource-based outdoor recreational facilities including a nature trail and picnic pavilion shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the project site without causing harm to those resources.
2. Two or more user-oriented outdoor recreational facilities including a playground and volleyball court shall be provided. The facilities shall be located and designed to have minimal impacts on natural resources on the project site.
3. A permanent recognition sign, a minimum size of 3' x 4', shall be maintained in the entrance area of the project site. The sign shall acknowledge that the project site was purchased with funds from the Florida Communities Trust and the City of Gainesville.
4. Interpretive signage shall be provided to educate visitors about the area's natural environment and unique history.
5. A staffed nature center shall be developed on the project site to provide year round education classes or programs.

6. At least 12 regularly scheduled and ongoing educational classes or programs that promote the protection of environmental resources shall be provided at the project site.
7. Bike parking stands shall be installed at the project site to provide an alternative to automobile transportation to the project site.
8. A survey of the natural communities and plant species on the project site shall be conducted prior to the development of the project site. The survey shall be used during development of the site to ensure the protection, restoration, and preservation of the natural communities on the project site.
9. The natural communities that occur on the project site shall be preserved and appropriately managed to ensure the long-term viability of these communities.
10. Approximately 37 acres of degraded uplands will be restored in terms of biological composition and ecological function.
11. Approximately 10 acres of degraded wetlands will be restored to a natural condition in terms of biological composition and ecological function.
12. Degraded wetlands on the project site will be restored to a natural condition in terms of biological composition and ecological function.
13. The project site shall be managed in a manner that protects and enhances listed and non-listed native wildlife species and their habitat. Periodic surveys shall be conducted of listed species using the project site.
14. Any proposed stormwater facility for the project site shall be designed to provide recreation open space or wildlife habitat.
15. The quality of surface waters occurring on adjacent land or land in close proximity to the project site shall be improved by the installation of stormwater facilities on the project site that provide wildlife habitat and/or open space in a park like setting. The development of the stormwater facility plan shall be coordinated with the St. Johns River Water Management District.
16. The project site shall be protected and managed as part of an ecological corridor within the City's designated Hogtown Creek Greenway.
17. The development and management of the project site shall be coordinated with agencies managing multi-jurisdictional recreational trails in Alachua County to ensure the project site is managed as part of a linked trail system.

18. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the project site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The management plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the project site.

19. A feral animal removal program shall be developed and implemented for the project site, as necessary.

20. An archaeological survey shall be performed for any area within the project site proposed for development prior to the commencement of proposed development activities in that area. All planned activities involving known archaeological sites or identified site areas shall be closely coordinated with the Department of State, Division of Historic Resources in order to prevent the disturbance of significant sites. A protection plan shall be developed and implemented in conjunction with the Division of Historic Resources for the protection of known historic site located on the project site.

21. Any parking facility shall be designed and located to have minimal impacts on natural resources. The parking area shall incorporate pervious material wherever feasible.

#### **VIII. OBLIGATIONS OF THE RECIPIENT RELATING TO THE USE OF BOND PROCEEDS**

1. FCT is authorized by Section 380.510, Fla. Stat. to impose conditions for funding on the Recipient in order to ensure that the project complies with the requirements for the use of Florida Forever Bond proceeds including, without limitation, the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the "disallowable activities," may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to a governmental agency or a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;

- c. any sales contract or option to buy or sell things attached to the Project Site to be severed from the Project Site with a non-governmental person or organization;
- d. any use of the Project Site by a non-governmental person other than in such person's capacity as a member of the general public;
- e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of Bonds from which the disbursement is to be made;
- f. a management contract for the Project Site with a non-governmental person or organization; or
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

3. If the Project Site, after its acquisition by the Recipient and/or the Trustees, is to remain subject to any of the disallowable activities, the Recipient shall provide notice to FCT, as provided for in paragraph III.1. above, at least sixty (60) calendar days in advance of any such transactions, events or circumstances, and shall provide FCT such information as FCT reasonably requests in order to evaluate for approval the legal and tax consequences of such disallowable activities.

4. In the event that FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient shall immediately cease or cause the cessation of the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT shall have the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NONPROFIT ENTITIES OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

#### **IX. RECORDKEEPING; AUDIT REQUIREMENTS**

1. The Recipient shall maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure

of funds under this Agreement. These records shall be available at all reasonable times for inspection, review or audit by state personnel, FCT and other personnel duly authorized by FCT. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean the normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

2. If the Recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat., the applicable rules of the Executive Office of the Governor and the Comptroller and Chapter 10.550 (local government entities) or Chapter 10.650 (nonprofit organizations), Rules of the Auditor General. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, other state agencies and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The funding for this Agreement was received by FCT as a grant appropriation.

In connection with the audit requirements addressed herein, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Fla. Stat. This includes submission of a reporting package as defined by Section 215.97(2)(d), Fla. Stat. and Chapter 10.550 (local government entities) or 10.650 (nonprofit organizations), Rules of the Auditor General.

3. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat. is not required. If the Recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from Recipient funds not obtained from a State entity).

4. The annual financial audit report shall include all management letters, the Recipient's response to all findings, including corrective actions to be taken, and a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and agreement number. Copies of financial reporting packages required under this Article shall be submitted by or on behalf of the Recipient directly to each of the following:

Department of Community Affairs (at each of the following addresses):

Office of Audit Services  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

and

Florida Communities Trust  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100



State of Florida Auditor General at the following address:

Auditor General's Office  
Room 401, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32302-1450

5. If the audit shows that any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with the applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

6. The Recipient shall retain all financial records, supporting documents, statistical records and any other documents pertinent to this Agreement for a period of five years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the five-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. performed by an independent certified public accountant ("IPA") who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

#### **X. DEFAULT; REMEDIES; TERMINATION**

1. If any essential term or condition of the Declaration of Restrictive Covenants is violated by the Recipient or by some third party with the knowledge of the Recipient, the Recipient shall be notified of the violation by written notice given by personal delivery, registered mail or registered expedited service. The recipient shall diligently commence to cure the violation or complete curing activities within thirty (30) days after receipt of notice of the violation. If the curing activities can not be reasonably completed within the specified thirty (30) day time frame, the Recipient shall submit a timely written request to the FCT Program Manager that includes the status of the current activity, the reasons for the delay and a time frame for the completion of the curing activities. FCT shall submit a written response within thirty (30) days of receipt of the request and approval shall not be unreasonably withheld. It is FCT's position that all curing activities shall be completed within one hundred twenty (120) days of the Recipient's notification of the violation. However, if the Recipient can demonstrate extenuating circumstances exist to justify a greater extension of time to complete the activities, FCT shall give the request due consideration. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish

and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District, who agrees to accept title and manage the Project Site. FCT shall treat such property in accordance with Section 380.508(4)(e), Fla. Stat.

**XI. STANDARD CONDITIONS**

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict and shall be severable, but shall not invalidate any other provision of this Agreement.

2. No waiver by FCT of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of FCT hereunder, or affect the subsequent exercise of the same right or remedy by FCT for any further or subsequent default by the Recipient.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

4. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit lease bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

5. No funds or other resources received from FCT in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

This Agreement including Exhibit "A" embodies the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

CITY OF GAINESVILLE, a municipal corporation within the State of Florida

Rosemary Skell  
Print Name: Rosemary Skell

By: [Signature]

Laura Evans  
Print Name: Laura Evans

Date: 4-28-08

Approved as to Form and Legality:  
By: Nicolle M. Shalley  
Nicolle M. Shalley  
Assistant City Attorney II

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of April, 2008, by Russ Blackburn on behalf of the municipal corporation, and who is personally known to me.

Betsy L. Byrne  
Notary Public  
Print Name: Betsy L. Byrne  
Commission No. DD436387  
My Commission Expires: 10/2/09



Witness:

Gayle H. Brett  
Print Name: GAYLE H. BRET

John Siray  
Print Name: John Siray

FLORIDA COMMUNITIES TRUST

By: [Signature]  
**Janice Browning**, Director, Division of  
Housing and Community Development

Date: 5/13/08

Approved as to Form and Legality:  
By: [Signature]  
Kristen L. Coons, Trust Counsel

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 13 day of May,  
2008, by **Janice Browning**, Director, Division of Housing and Community Development. She is  
personally known to me.

Gayle H. Brett

Notary Public  
Print Name: GAYLE H. BRET  
Commission No. 010  
My Commission Expires: October 6, 2010



**EXHIBIT "A"**  
**Legal Description**

PARCELS 4 AND 5 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL 4**

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.50 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 07°47'06"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 69.66 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 06°31'22" EAST, 69.55 FEET; THENCE NORTH 38°27'24" WEST, 51.57 FEET; THENCE NORTH 10°22'47" EAST, 29.85 FEET; THENCE NORTH 00°02'42" WEST, 52.18 FEET; THENCE NORTH 77°01'02" EAST, 50.14 FEET; THENCE NORTH 32°06'10" EAST, 135.13 FEET; THENCE NORTH 47°07'05" EAST, 55.68 FEET; NORTH 29°57'57" EAST, 77.00 FEET; THENCE NORTH 23°30'55" EAST, 17.27 FEET; THENCE NORTH 16°03'26" EAST, 4.00 FEET; THENCE NORTH 74°42'11" EAST, 58.49 FEET; THENCE NORTH 65°23'58" EAST, 73.31 FEET; THENCE NORTH 82°30'34" EAST, 94.85 FEET; THENCE NORTH 60°06'29" EAST, 59.75 FEET; THENCE NORTH 43°54'18" EAST, 31.28 FEET; THENCE NORTH 65°16'51" EAST, 48.46 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 25 & NW 13TH STREET); THENCE RUN SOUTH 46°38'42" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 75.89 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5679.58 FEET AND A CENTRAL ANGLE OF 08°26'00" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 42°36'21" EAST, 835.22 FEET, RESPECTIVELY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 835.98 FEET; THENCE RUN SOUTH 89°11'43" WEST, 373.70 FEET; THENCE NORTH 00°42'01" WEST, 10.33 FEET; THENCE SOUTH 89°13'02" WEST, 464.51 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 36°27'44"; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 326.29 FEET TO THE POINT OF BEGINNING. CONTAINING 11.10 ACRES, MORE OR LESS.

**LESS AND EXCEPT**

A PARCEL OF LAND LYING IN PARCEL 4 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.50 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 44°14'50"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 395.95 FEET; THENCE RUN NORTH 89°13'02' EAST, 464.51 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°42'01" WEST, 426.55 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY

*Handwritten mark*

LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 25 & NW 13TH STREET) AND A POINT ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5679.58 FEET, A CENTRAL ANGLE OF 05°47'49" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 41°17'15" EAST, 574.39 FEET, RESPECTIVELY; THENCE RUN SOUTHEASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, AN ARC DISTANCE OF 574.63 FEET; THENCE RUN SOUTH 89°11'43" WEST, A DISTANCE OF 373.70 FEET; THENCE RUN NORTH 00°42'01" WEST, 10.33 FEET TO THE POINT OF BEGINNING. CONTAINING 1.94 ACRES MORE OR LESS.

## PARCEL 5

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.50 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 44°14'50"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 395.95 FEET; THENCE RUN NORTH 89°13'02" EAST, 464.90 FEET; THENCE SOUTH 00°42'01" EAST, 10.34 FEET; THENCE RUN SOUTH 00°42'02" EAST, 1297.21 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NW 45TH AVENUE; THENCE RUN SOUTH 89°13'09" WEST, 894.79 FEET; THENCE NORTH 29°36'50" WEST, 342.45 FEET; THENCE SOUTH 89°13'09" WEST, 259.54 FEET; THENCE NORTH 00°42'33" WEST, 125.00 FEET; THENCE SOUTH 89°13'09" WEST, 150.68 FEET; THENCE SOUTH 28°56'32" WEST, 201.51 FEET; THENCE SOUTH 89°13'09" WEST, 80.00 FEET; THENCE SOUTH 00°48'35" EAST, 140.00 FEET; THENCE SOUTH 29°24'49" EAST, 125.33 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 89°13'09" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 295.00 FEET; THENCE NORTH 58°01'35" WEST, 83.17 FEET TO THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE NORTH 00°42'53" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 566.07 FEET; THENCE NORTH 89°13'05" EAST, 634.99 FEET; THENCE NORTH 00°42'33" WEST, 686.08 FEET; THENCE SOUTH 89°13'02" WEST, 635.05 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°42'53" WEST, 304.01 FEET; THENCE NORTH 89°11'45" EAST, 305.04 FEET; THENCE NORTH 00°42'43" WEST, 354.12 FEET; THENCE SOUTH 89°10'28" WEST, 305.06 FEET; THENCE NORTH 00°42'53" WEST, 612.94 FEET TO THE POINT OF BEGINNING. CONTAINING 64.74 ACRES, MORE OR LESS.

## LESS AND EXCEPT

A PORTION OF PARCEL 5 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 5 AND THE POINT OF BEGINNING; THENCE RUN NORTH 89°14'27" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE AND ALONG THE NORTH LINE OF SAID TRACT 5, A DISTANCE OF 660.42 FEET TO THE NORTHEAST CORNER OF SAID TRACT 5; THENCE RUN SOUTH 00°42'33" EAST ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 155.00 FEET; THENCE SOUTH 89°14'20" WEST, A DISTANCE OF 360.00 FEET; THENCE SOUTH 30°06'11" WEST, A DISTANCE OF 244.64 FEET; THENCE SOUTH 89°14'20" WEST, A DISTANCE OF 175.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET AND THE WEST LINE OF SAID TRACT 5; THENCE RUN NORTH 00°43'31" WEST ALONG SAID EAST RIGHT-OF-WAY LINE AND SAID WEST LINE, A DISTANCE OF 365.00 FEET TO THE POINT OF BEGINNING.

September 21, 2007  
06-095-FF6

INSTRUMENT # 2428979  
24 PGS

## WARRANTY DEED

Exhibit C

1. The lien of all taxes for the year 2008 and thereafter, which are not yet due and payable.
2. Drainage Easements in Judgment Book 37, Page 90 (Parcel No. 31).
3. Easement for sewer lines and other utility facilities to City of Gainesville in O.R. Book 211, Page 219 (in Lot 31 of Paradise).
4. Easement for public utilities to City of Gainesville in Book 673, Page 398 (in Lot 31 of Paradise).
5. Drainage Easement to City of Gainesville, Florida, in Book 2390, Page 2385 (in Lot 31 of Paradise).
6. Resolution 90-12 vacating certain streets in Paradise as recorded in Book 1772, Page 2471.
7. Easement for public utilities from Home Depot U.S.A., Inc. to the City of Gainesville, recorded in O.R. Book 3569, Page 993.
8. Conservation Easement from Home Depot U.S.A., Inc. to the St. Johns River Water Management District, recorded in O.R. Book 3623, Page 838.
9. Declaration attached to this Deed.

**HOME DEPOT U.S.A., INC.  
UNANIMOUS WRITTEN CONSENT OF THE MEMBERS OF THE  
BOARD OF DIRECTORS IN LIEU OF A SPECIAL MEETING**

Pursuant to Title 8, Section 141(f) of the General Corporation Law of the State of Delaware and Article II, Section 9 of the bylaws of Home Depot U.S.A., Inc., a Delaware corporation (the "Company"), the undersigned, being all of the members of the Board of Directors of the Company, hereby consent to and take the actions set forth below effective as of March 3, 2008:



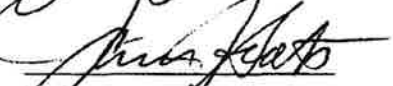

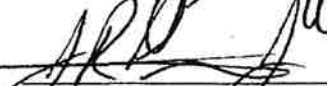
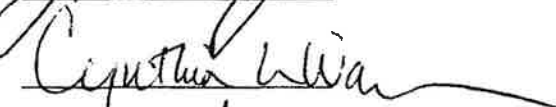



RESOLVED, that the Executive Vice President, Secretary and General Counsel, the Senior Vice President - Real Estate, the Vice President - Real Estate, the Vice President - Real Estate Law, each Company employee with the title of Senior Counsel - Real Estate Law, Counsel - Real Estate Law, Senior Attorney - Real Estate Law, and Attorney - Real Estate Law, and each of them acting alone or together, or their duly delegated designee, are hereby authorized and directed, in the name of the Company, to take such steps as are necessary or desirable to effect the Company's policy of expansion and maintenance of its properties including, but not limited to, the acquisition, disposition or financing of real estate, the execution of Leases, Reciprocal Easement Agreements, Development Agreements, Easements, Servitudes, Rights of Way, Assignments and any amendments or modifications to the foregoing, or any other instrument required to accomplish the aforesaid Company purposes; and

FURTHER RESOLVED, that the Executive Vice President, Secretary and General Counsel, the Senior Vice President - Real Estate, the Vice President - Real Estate, the Vice President - Real Estate Law, each Company employee with the title of Senior Counsel - Real Estate Law, Counsel - Real Estate Law, Senior Attorney - Real Estate Law, Attorney - Real Estate Law, and each of them acting either alone or together, or their duly delegated designee, are hereby authorized and directed, in the name of the Company, to take, or cause to be taken, any and all actions and to execute and deliver any and all such other contracts, assignments, easements, conveyances, deeds, leases, subleases, agreements, certificates, instruments or any other documents as such individual or delegated designee may consider necessary or desirable to carry out the foregoing resolution and the transactions contemplated thereby; and

FURTHER RESOLVED, that these resolutions hereby revoke and supersede any other resolutions that heretofore granted the delegation of corporate authority to execute and deliver real estate documents by and on behalf of the Company.



2. The persons named below were on the date hereof the duly designated and qualified signatories of the Corporation, as set opposite his or her respective name, and that the signature appearing opposite his or her name, is the genuine facsimile signature of said signatory:

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Michael C. LaFerle	Vice President Real Estate	
Michael T. McGuire	Vice President Real Estate Law	
James J. Scott	Senior Counsel Real Estate Law	
Ann K. Jerhoff	Counsel Real Estate Law	
Jacob R. Pritcher, Jr.	Counsel Real Estate Law	
Cynthia L. Warren	Counsel Real Estate Law	
Brett D. Soloway	Counsel Real Estate Law	
Erika M. Strawn	Senior Attorney Real Estate Law	
Thomas K. Anderson	Senior Attorney Real Estate Law	

IN WITNESS WHEREOF, the undersigned has hereunto affixed the seal of the Corporation and set his/her signature, on this, the 14<sup>th</sup> day of May, 2008.

[CORPORATE SEAL]

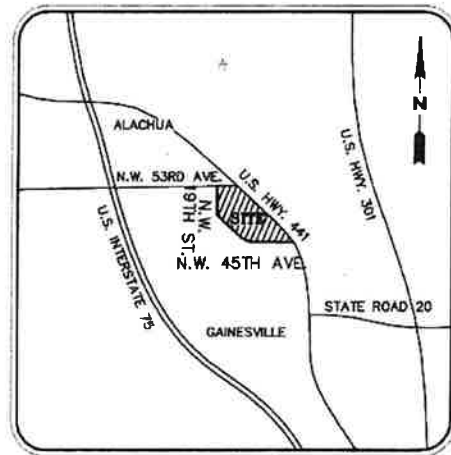


Name: Deborah L. Straw  
Title: Assistant Secretary



# A MINOR SUBDIVISION

AT  
 THE SOUTHWEST CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE  
 IN  
**SECTION 19-TOWNSHIP 9 SOUTH-RANGE 20 EAST**  
**ALACHUA COUNTY, FLORIDA**



VICINITY MAP  
 NOT TO SCALE

**Legal Description:** (PREPARED BY SURVEYOR)

Also described as:

A PORTION OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA ALSO BEING A PORTION OF BLOCKS 2, 3, 4, 13, 14, 15, 16, 18, 19, 29, 30 AND 31 AND A PORTION OF 2ND STREET, 3RD STREET, A CERTAIN UNNAMED STREET AND EAST STREET AVENUE OF PLAT OF PARADISE, AS RECORDED IN THE PLAT THEREOF PER PLAT BOOK "A", PAGE 4 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, SAID POINT BEING A 4" X 4" CONCRETE MONUMENT AS IDENTIFIED BY CERTIFIED CORNER RECORD #0038255, AND RUN ON AN ASSUMED BEARING OF N 89°14'27" E ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 2864.71 FEET TO A POINT LYING ON THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 4, PARADISE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 1, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN S 00°42'53" E ALONG SAID NORTHERLY EXTENSION A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 53RD AVENUE (FORMERLY 1ST STREET); SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE RUN N 89°14'27" E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1102.21 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 25), PER RIGHT-OF-WAY MAP IDENTIFIED AS SECTION NO. 2802-(113)209 AND DATED 9/17/56; THENCE RUN S 48°38'10" E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 930.83 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, RUN S 48°43'55" E A DISTANCE OF 173.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 5679.58 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°41'05", AN ARC DISTANCE OF 662.64 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 16, SAID PARADISE; THENCE LEAVING SAID CURVE AND WEST RIGHT-OF-WAY LINE, RUN S 89°13'02" W ALONG SAID SOUTH LINE OF BLOCK 16 A DISTANCE OF 374.35 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 16; THENCE RUN S 00°42'02" E ALONG THE EAST LINE OF BLOCKS 18 AND 31 AND THEIR NORTHERLY EXTENSION, SAID PARADISE, A DISTANCE OF 1297.21 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 31; THENCE RUN S 89°13'00" W ALONG THE SOUTH LINE OF SAID BLOCK 31 AND ITS WESTERLY EXTENSION, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF NW 45TH AVENUE (FORMERLY KNOWN AS 4TH STREET) A DISTANCE OF 894.79 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF PARCEL #7883-B, OFFICIAL RECORDS INSTRUMENT #0001786379 7; SAID PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE EASTERLY, NORTHERLY AND WESTERLY LINES OF SAID PARCEL #7883-B: N 29°36'50" W A DISTANCE OF 542.49 FEET; THENCE S 89°13'00" W A DISTANCE OF 229.54 FEET; THENCE N 00°42'33" W A DISTANCE OF 125.00 FEET; THENCE S 89°13'09" W A DISTANCE OF 150.68 FEET; THENCE S 28°50'32" W A DISTANCE OF 201.51 FEET; THENCE S 89°13'09" W A DISTANCE OF 80.00 FEET; THENCE S 00°48'35" E A DISTANCE OF 140.00 FEET; THENCE S 28°24'49" E A DISTANCE OF 125.33 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY OF NW 45TH AVENUE; THENCE LEAVING SAID PARCEL #7883-B, RUN S 89°13'01" W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 295.00 FEET TO THE SOUTHEAST CORNER OF PARCEL #7883-A, OFFICIAL RECORDS INSTRUMENT #0001786379 7; SAID PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN N 88°01'35" W ALONG THE NORTHERLY LINE OF SAID PARCEL #7883-A A DISTANCE OF 83.17 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL #7883-A; SAID POINT ALSO LYING ON THE WEST LINE OF BLOCK 29, SAID PARADISE; THENCE LEAVING SAID PARCEL #7883-A, RUN N 00°42'53" W ALONG THE WEST LINE OF SAID BLOCK 29, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF POST AVENUE (ALSO KNOWN AS NW 18TH STREET), A DISTANCE OF 566.07 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 29; THENCE LEAVING SAID RIGHT-OF-WAY LINE, RUN N 89°13'05" E ALONG THE NORTH LINE OF SAID BLOCK 29 A DISTANCE OF 834.99 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 29, ALSO BEING THE SOUTHEAST CORNER OF BLOCK 20, SAID PARADISE; THENCE RUN N 00°42'33" W ALONG THE EAST LINE OF SAID BLOCK 20, ALSO BEING THE WEST LINE OF BLOCK 19, SAID PARADISE, AND THEIR NORTHERLY EXTENSION, A DISTANCE OF 888.08 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 3RD STREET, SAID PARADISE; THENCE RUN S 89°13'02" W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 635.05 FEET TO THE SOUTHWEST CORNER OF LOT 3, BLOCK 13, SAID PARADISE, SAID POINT LYING ON THE EAST RIGHT-OF-WAY OF SAID POST AVENUE; THENCE RUN N 00°42'53" W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 304.01 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 13; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, RUN N 89°11'45" E A DISTANCE OF 303.04 FEET TO THE SOUTHEAST CORNER OF LOT 2, SAID BLOCK 13; THENCE RUN N 00°42'43" W ALONG THE EAST LINE OF SAID LOT 2, BLOCK 13 AND ITS NORTHERLY EXTENSION A DISTANCE OF 354.12 FEET TO THE SOUTHEAST CORNER OF LOT 3, BLOCK 4, SAID PARADISE; THENCE RUN S 89°10'28" W ALONG THE SOUTH LINE OF SAID LOT 3, BLOCK 4 A DISTANCE OF 305.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, BLOCK 4; SAID POINT ALSO LYING ON THE FORESAID EAST RIGHT-OF-WAY LINE OF POST AVENUE; THENCE RUN N 00°42'53" W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 612.94 FEET TO THE POINT OF BEGINNING TO CLOSE.

GENERAL NOTES:

- BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA BOUNDARY BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA WITH THE BEARING BEING S 89°14'27" W.
- ALL LOT LINES ARE NON-RADIAL UNLESS OTHERWISE NOTED.
- BASIS OF BEARING DIFFERS BY 6 MINUTES WITH INSTRUMENT #0001786379 7 RECORDED IN THE OFFICIAL RECORDS OF ALACHUA COUNTY.
- a) THERE SHALL BE NO DRIVE-THROUGH USES ALLOWED ON PARCELS 1 & 2.  
 b) THERE SHALL BE NO DIRECT DRIVEWAY CONNECTIONS OR OTHER DIRECT VEHICULAR ACCESS FROM PARCELS 1 & 2 TO U.S. 441 OR NW 53RD AVENUE. ALL ACCESS TO PARCELS 1 & 2 SHALL BE INTERNAL FROM THE HOME DEPOT DEVELOPMENT ON PARCEL 3 WITH ITS ASSOCIATED DRIVEWAY SYSTEM.
- WATER AND/OR SANITARY SEWER SERVICE IS AVAILABLE TO THE PROPERTY, AND A STATEMENT INDICATING THAT ALL UTILITY SERVICE SHALL BE INSTALLED BENEATH THE SURFACE OF THE GROUND IN ACCORDANCE WITH SECTION 30-345; AND  
 ALL LOTS OR PARCELS HAVE FRONTAGE ON A CITY-MAINTAINED PUBLIC STREET, HAVE WATER AND SEWER SERVICES AVAILABLE, AND BE IN ACCORDANCE WITH THE REQUIREMENTS AS SET FORTH IN SECTION 30-189 OF THE LAND DEVELOPMENT CODE OF THE CITY OF GAINESVILLE.

ABBREVIATION LEGEND			
Δ	DENOTES DELTA ANGLE	FI	DENOTES POINT OF INTERSECTION
R	DENOTES RADIUS	CM	DENOTES CONCRETE MONUMENT
L	DENOTES ARC LENGTH	PRM	DENOTES PERMANENT REFERENCE MONUMENT
CHD. BRG.	DENOTES CHORD BEARING	PCP	DENOTES PERMANENT CONTROL POINT
TAN. BRG.	DENOTES TANGENT BEARING	CL	DENOTES CENTERLINE
PC	DENOTES POINT OF CURVATURE	R/W	DENOTES RIGHT OF WAY LINE
PT	DENOTES POINT OF TANGENCY	POC	DENOTES POINT ON A CURVE
PRC	DENOTES POINT OF REVERSE CURVATURE	P.O.B.	DENOTES POINT OF BEGINNING
RP	DENOTES RADIUS POINT	R	DENOTES RADIAL LINE
P.B.	PLAT BOOK	CCR #	DENOTES CERTIFIED CORNER RECORD
PGS.	PAGE	T9S-R20E	TOWNSHIP 9 SOUTH - RANGE 20 EAST
NR	NON-RADIAL	O.R.B.	OFFICIAL RECORDS BOOK
LB	LICENSED BUSINESS	CB	CHORD BEARING
POL	POINT ON LINE		
PGS.	PAGES		

A MINOR SUBDIVISION  
**OWNER'S CERTIFICATION AND DEDICATION**

HOME DEPOT USA INC. DOES HEREBY CERTIFY TO BE THE OWNER OF THE HEREIN DESCRIBED LANDS TO BE KNOWN AS "A MINOR SUBDIVISION", AND DOES HEREBY CONSENT TO THE SUBDIVISION THEREOF AS SHOWN, AND DOES HEREBY DEDICATE LOT 4 TO THE CITY OF GAINESVILLE FOR USE AS A RECREATION AREA.

*Thomas K. Anderson*  
 SIGNATURE  
 PRINT NAME: Thomas K. Anderson  
 O.C.

*James Clayton*  
 WITNESS

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
 COUNTY OF SEMINOLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 16<sup>th</sup> DAY OF July, 2007 BY Thomas K. Anderson, James Clayton OF Home Depot ON BEHALF OF THE COMPANY, HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED A DRIVER'S LICENSE AS IDENTIFICATION, AND WHO DID TAKE AN OATH.

DL NUMBER: 06517961-68

*Nichole L. Lunsford*  
 SIGNATURE  
 PRINT NAME: Nichole L. Lunsford  
 MY COMMISSION EXPIRES: 4-17-09  
 COMMISSION NO.: 49215

NICHOLE L. LUNSFORD  
 Notary Public, State of Florida  
 My Comm. exp. Apr. 17, 2009  
 Comm. No. DD 419215

**APPROVAL OF THE CITY OF GAINESVILLE:**

WE THE UNDERSIGNED DO HEREBY CERTIFY THIS PLAT CONFORMS TO THE REQUIREMENTS OF THE CITY OF GAINESVILLE, COUNTY OF ALACHUA, STATE OF FLORIDA ORDINANCES AND REGULATIONS AS FOLLOWS:

PLANNING DEPARTMENT: *[Signature]* 7/17/07 DATE  
 CHIEF PLANNING

PUBLIC WORKS: *[Signature]* 7/19/07 DATE  
 DIRECTOR OF PUBLIC WORKS

UTILITY REQUIREMENTS: *[Signature]* 7/20/07 DATE  
 UTILITIES MANAGER (G.R.U.)

**CLERK OF THE COURT:**

RECEIVED AND FILED AS AN UNRECORDED MAP IN ACCORDANCE WITH SECTION 177.132, FLORIDA STATUTES, THIS 16<sup>th</sup> DAY OF July, 2007

*J.K. Buddy Irby* *[Signature]*  
 CLERK OF THE COURT DEPUTY CLERK

**QUALIFICATION STATEMENT OF SURVEYOR**

To: Home Depot U.S.A., Inc., Treasures Properties, Inc., Alcohol Conservation Trust, Inc., First American Title Insurance Company, Alston & Bird LLP

I hereby certify that the attached "Boundary Survey" of the herein-described property is true and correct to the best of my knowledge, information and belief as surveyed in the field on October 13, 2008. I further certify that this "Boundary Survey" meets the minimum technical standards set forth in chapter 61G01, Florida Administrative Code.

For the Firm By: *[Signature]*  
 CPH ENGINEERS, INC.  
 500 WEST FULTON  
 SANFORD, FL 32771

**cph** Engineers  
 Planners  
 Landscape Architects  
 Surveyors  
 Construction Management

www.cphengineers.com  
 500 West Fulton Street, Sanford, FL 32771 P.O. Box 2808, Sanford, FL 32772-2808  
 Phone: 407.322.6841 Fax: 407.330.0679

**EXHIBIT**

D-1  
 Pages 1-3

NR

# A MINOR SUBDIVISION

AT  
THE SOUTHWEST CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE  
IN

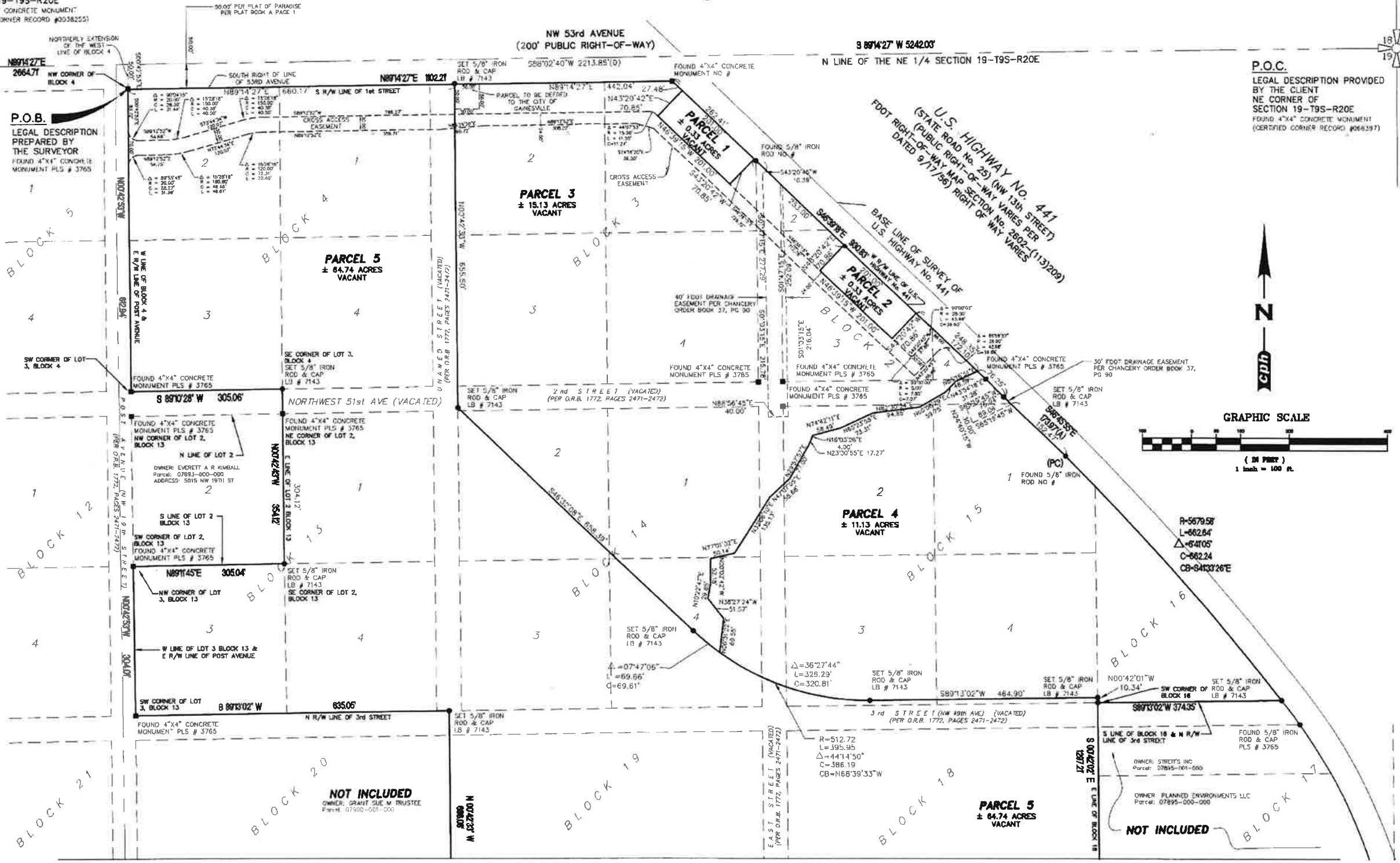
# SECTION 19-TOWNSHIP 9 SOUTH-RANGE 20 EAST ALACHUA COUNTY, FLORIDA

MINOR SUBDIVISION BOOK 2 PAGE 85

SHEET 2 OF 3

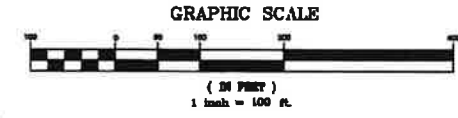
THIS IS NOT A RECORD PLAT

**P.O.C.**  
LEGAL DESCRIPTION PREPARED  
BY THE SURVEYOR  
NW CORNER OF  
SECTION 19-T9S-R20E  
FOUND 4"x4" CONCRETE MONUMENT  
(CERTIFIED CORNER RECORD #0038255)



**P.O.C.**  
LEGAL DESCRIPTION PROVIDED  
BY THE CLIENT  
NE CORNER OF  
SECTION 19-T9S-R20E  
FOUND 4"x4" CONCRETE MONUMENT  
(CERTIFIED CORNER RECORD #066397)

**P.O.B.**  
LEGAL DESCRIPTION PREPARED BY  
THE SURVEYOR  
FOUND 4"x4" CONCRETE  
MONUMENT PLS # 3765



MATCHLINE  
(SEE SHEET 3)

MATCHLINE  
(SEE SHEET 3)

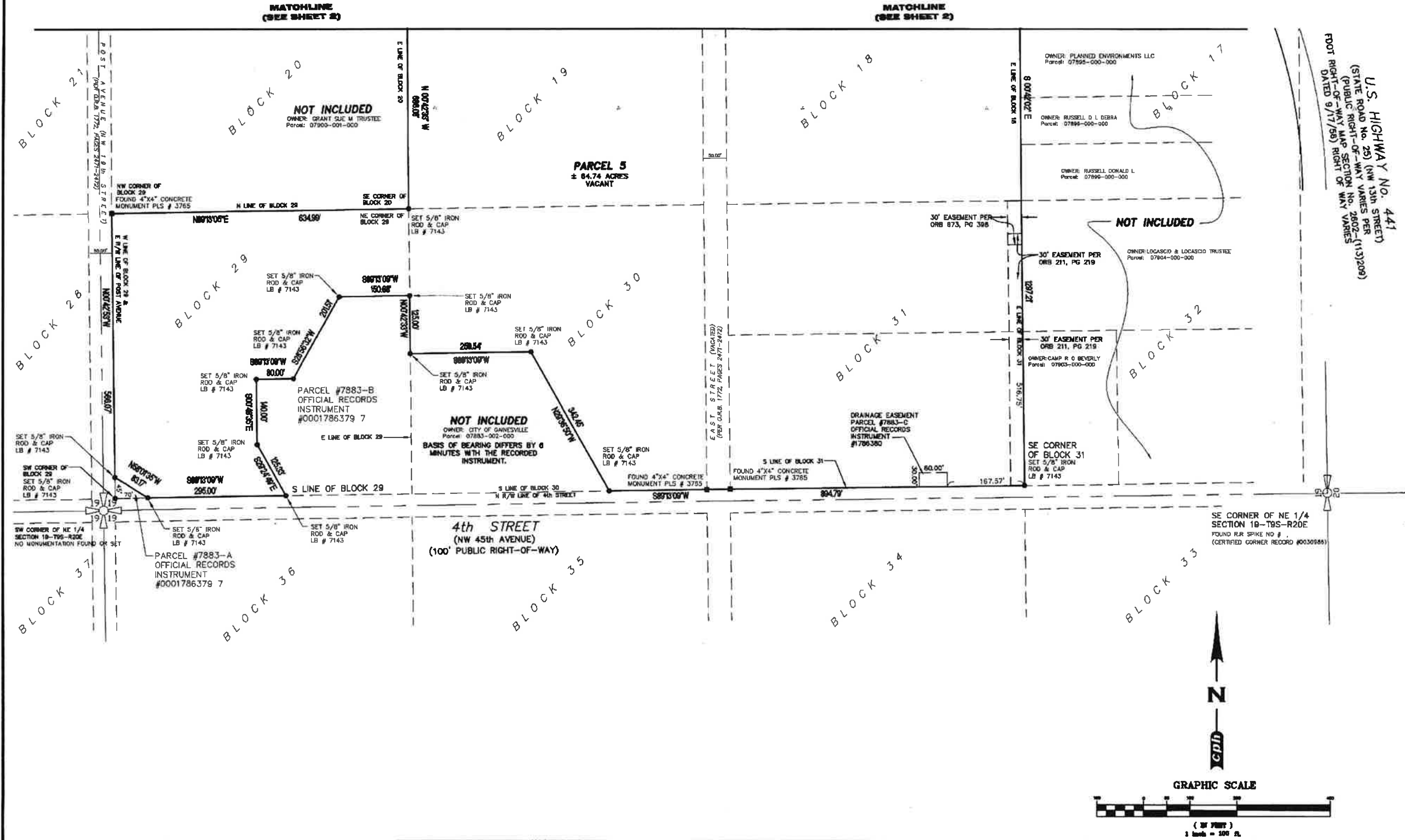
		Engineers Planners Landscape Architects Surveyors Construction Management	
10101 1st St. N.E. P.O. Box 111777, Ft. Lauderdale, Florida 33322-2277 Phone: 954-222-2244 Fax: 954-222-2245		199 West Falmouth Street, Suite 100, Tallahassee, Florida 32301 Phone: 904-222-2244 Fax: 904-222-2245	
Scale:	1" = 100'	Date:	JULY 18, 2006
Job No.:	H2410	File:	Home_Depot
Approved:		Revision:	
Activity:	BOUNDARY SURVEY	Date:	9/28/06
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
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Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
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Activity:	BOUNDARY SURVEY	Date:	
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Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
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Drawn By:	T.J.G.	Checked By:	R.A.N.
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Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
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Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY	Date:	
Drawn By:	T.J.G.	Checked By:	R.A.N.
Checked By:	R.A.N.	Date:	7/28/06
Approved By:		Date:	
Activity:	BOUNDARY SURVEY		

# A MINOR SUBDIVISION

AT  
THE SOUTHWEST CORNER OF HIGHWAY NO. 441 AND NW 53RD AVENUE  
IN  
**SECTION 19-TOWNSHIP 9 SOUTH-RANGE 20 EAST**  
**ALACHUA COUNTY, FLORIDA**

MINOR SUBDIVISION BOOK 2 PAGE 86

SHEET 3 OF 3  
THIS IS NOT A RECORD PLAT



<b>Scale: 1" = 100'</b>	
Date: JULY 18, 2006	Job No. 12410
Drawn By: K.S.	File: home depot_hallway
Checked By: T.J.G.	Approved: [Signature]
Approved By: R.A.N.	Revision
Activity	Date
Name	Description
K.S.	T.J.G.
R.L.R.	T.M.S.
7/28/06	7/28/06
1786380	1786380
ADD CROSS ACCESS EASEMENT	Revision
No.	Date
3	3

**CPH**

Civil Engineers  
Planners  
Landscape Architects  
Surveyors  
Construction Management

101 W. U.S. 1  
Gainesville, FL 32601  
Phone: 352.333.2441 Fax: 352.333.2442

**Appendix E**  
**Application Documents**



# JBrown Professional Group

CIVIL ENGINEERING • LAND SURVEYING • PLANNING

3530 NW 43rd Street • Gainesville, FL 32606 • 352.375.8999 • JBProGroup.com

August 27, 2018

Mr. Forrest Eddleton, AICP  
Planner  
City of Gainesville  
P.O. Box 490, Station 12  
Gainesville, FL 32601

Re: Parcel 07883-011-000 Application for Rezoning from Bus to BA

Dear Forrest:

We are submitting this application to amend the Zoning of a 1.94 acre parcel located on the north side of the RideNow Powersports business on the west side of NW 13<sup>th</sup> Street. The intent of this request is to create identical zoning on both pieces of property being used for the RideNow Powersports business. Vehicular sales with outdoor display and vehicle repair are allowed in the BA Business Automotive District that are not provided for in the existing Bus – Business Zoning District. These two activities would be required to accommodate the planned future expansion of the existing business to both parcels of land. The BA district conforms to the Commercial Future Land Use and is compatible with other parcels located along this commercial corridor.

We held a staff coordination meeting July 27, 2018 and the Neighborhood Workshop was held on August 24, 2018. The following items have been uploaded to the City Development Plan ProjectDox portal:

- 1 Application Fee - Zoning map change \$3,391.25
- 2 Property Owner Affidavit - Signed by Michael Jones, President of Streit's Inc. (property owner)
- 3 City Plan Board Application - with narrative description of the request
- 4 Neighborhood Workshop Summary - with Attachments

Please review the attached items and feel free to contact me if you require any additional information or have any questions regarding our submittal documentation.

Sincerely,

A. J. "Jay" Brown Jr., PE  
President, JBrown Professional Group Inc.

Cc: Streit's Inc.





**EXHIBIT**

E-2  
Pages 1-6

**APPLICATION—CITY PLAN BOARD**  
*Planning & Development Services*

<b>OFFICE USE ONLY</b>	
Petition No. _____	Fee: \$ _____
1 <sup>st</sup> Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-660-6680-3401 <input type="checkbox"/>	
Account No. 001-660-6680-1124 (Enterprise Zone) <input type="checkbox"/>	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) <input type="checkbox"/>	

<b>Owner(s) of Record (please print)</b>
Name: Streit's Inc.
Address: 14823 SW 79 <sup>th</sup> St. Archer FL 32618
Phone: (352) 495-9884 Fax: _____
<b>(Additional owners may be listed at end of applic.)</b>

<b>Applicant(s)/Agent(s), if different</b>
Name: JBrown Professional Group Inc.
Address: 3530 NW 43 <sup>rd</sup> St. Gainesville FL 32606
Phone: (352) 375-8999 Fax: (352) 375-0833



**REQUEST**

Future Land Use Map <input type="checkbox"/>	Zoning Map <input checked="" type="checkbox"/>	Master Flood Control Map <input type="checkbox"/>
Other <input type="checkbox"/>		

**INFORMATION ON PROPERTY**

1. Street address: Vacant (no address) just North of 4920 NW 13 <sup>th</sup> Street
2. Map no(s): _____
3. Tax parcel no(s): 07883-011-000
4. Size of property: <u>1.94</u> acre(s)
<i>All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more <b>must</b> be accompanied by a market analysis report.</i>

**Certified Cashier's Receipt:**





5. Legal description (attach as separate document, using the following guidelines):

- a. Submit on 8 ½ x 11 in. sheet of paper, separate from any other information. **See Attachment A**
- b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser’s Office, etc.
- c. Must correctly describe the property being submitted for the petition.
- d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340’); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. **INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES** (NOTE: *All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.*)

A. What are the existing surrounding land

uses? North - Conservation

South – RideNow Powersports, Commercial Land Use

East – Across NW 13<sup>th</sup> Street, 84 Lumber, Gustafson’s Dairy, Solar panel array, Industrial Land Use

West – Conservation

B. Are there other properties or vacant buildings within ½ mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO  YES  If yes, please explain why the other properties cannot accommodate the proposed use?

Other properties zoned BA nearby are not adjacent to the existing property and business owned by the petitioner. The business has been existing for a number of years and is successful in it's existing location. There is no desire to uproot the existing facility and leave it vacant.





C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

Residential streets – There are no existing adjacent residential streets. The proposed rezoning will not change the impact to any future residential streets as it will remain commercial land use and similar development patterns are expected.

Noise and lighting – The proposed future development associated with the rezoning will comply with all City LDC criteria related to noise and lighting. A photometric plan will be provided for any site lighting designed, and all activity will comply with the City's noise ordinance requirements.

D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO X YES \_\_\_\_\_ (If yes, please explain below)

No significant environmental issues are believed to be present on the subject property, and the adjacent conservation property contains wetlands, but they are approximately 150 ft. away from the subject property.

E. Does this request involve either or both of the following?

a. Property in a historic district or property containing historic structures?

NO X YES \_\_\_\_\_

b. Property with archaeological resources deemed significant by the State?

NO X YES \_\_\_\_\_

F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):

Redevelopment \_\_\_\_\_  
Activity Center \_\_\_\_\_  
Strip Commercial X

Urban Infill \_\_\_\_\_  
Urban Fringe \_\_\_\_\_  
Traditional Neighborhood \_\_\_\_\_



Explanation of how the proposed development will contribute to the community.

The proposed rezoning will allow for the expansion of the existing RideNow Powersports business that abuts the South side of the property. The site is already part of existing commercial corridor of NW 13<sup>th</sup> Street. The appearance of the existing undeveloped parking area may be improved by the addition of a new building, new parking, landscaping, and other improvements.

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

The proposed rezoning will allow for the expansion of the existing RideNow Powersports business located on the adjoining property, south of the site. The BA zoning will allow for new construction and additional jobs at this location. New construction will significantly increase the taxable value of the currently vacant property. This rezoning is the precursor for the expansion of the existing facility to allow for increased sales, service, and parts. The expanded facility will employ several more employees upon completion, which will add needed jobs for the community.

H. What impact will the proposed change have on level of service standards?

The rezoning from Business to BA will have no effect on the potential impact of new development of this site. LOS will be addressed in the site development review process.

Roadways – To be evaluated in the development review process.

Recreation– No residential development is associated with this request.

Water and Wastewater– To be evaluated with development review.

Solid Waste – To be evaluated with development review.

Mass Transit – Currently available.

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO \_\_\_ YES X (please explain)

There is a bus stop site located about 700 feet south of the site at the Social Security office.

There is a sidewalk in front of the site along 13<sup>th</sup> Street.



CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record
Name: Streit's Inc.
Address: 14823 SW 79 <sup>th</sup> Street Archer FL 32618
Phone: (352) 495-9884 Fax:
Signature: _____

Owner of Record
Name: _____
Address: _____
Phone: _____ Fax: _____
Signature: _____

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.

*A. J. Brown*  
 \_\_\_\_\_  
 Owner/Agent Signature  
 8-27-2018  
 \_\_\_\_\_  
 Date

STATE OF FLORIDA  
COUNTY OF Alachua

Sworn to and subscribed before me this 27th day of August 2018, by (Name)

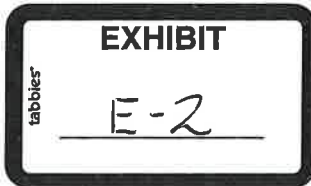
*Anthony J. Brown*



*Laurie L. Thomas*  
 \_\_\_\_\_  
 Signature – Notary Public

Personally Known \_\_\_\_\_ Identification \_\_\_\_\_ (Type) \_\_\_\_\_





# ATTACHMENT A

## LEGAL DESCRIPTION PER O.R.B. 3788, PG.541

### PARCEL 3

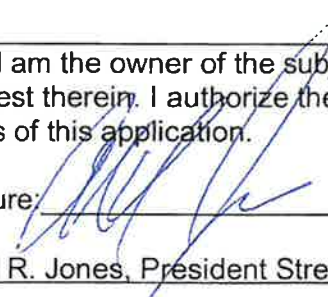


A PARCEL OF LAND LYING IN PARCEL 4 OF A MINOR SUBDIVISION AT THE SW CORNER OF HIGHWAY NO. 221 AND NW 53RD AVENUE IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA RECORDED IN MINOR SUBDIVISION BOOK 2, PAGES 84-86, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 89°14'27" EAST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2664.71 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE EAST RIGHT-OF-WAY LINE OF NW 19TH STREET; THENCE RUN SOUTH 00°42'53" EAST, ALONG SAID NORTHERLY PROJECTION, 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NW 53RD AVENUE; THENCE RUN NORTH 89°14'27" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 660.17 FEET; THENCE RUN SOUTH 00°42'33" EAST, 655.00 FEET; THENCE SOUTH 46°32'08" EAST, 658.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 512.72 FEET AND A CENTRAL ANGLE OF 44°14'50"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 395.95 FEET; THENCE RUN NORTH 89°13'02" EAST, 464.51 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°42'01" WEST, 426.55 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 25 & N.W. 13TH STREET) AND A POINT ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5679.58 FEET, A CENTRAL ANGLE OF 05°47'49" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 41°17'15" EAST, 574.39 FEET, RESPECTIVELY; THENCE RUN SOUTHEASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE, AN ARC DISTANCE OF 574.63 FEET; THENCE RUN SOUTH 89°11'43" WEST, A DISTANCE OF 373.70 FEET; THENCE RUN NORTH 00°42'01" WEST, 10.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.937 ACRES, MORE OR LESS.



## PROPERTY OWNER AFFIDAVIT

Owner Name: Streit's Inc.			
Address: 14823 SW 79th St. Archer, FL 32618		Phone: (352) 495-9884	
Agent Name: A. J. "Jay" Brown Jr. & JBrown Professional Group Inc.			
Address: 3530 NW 43rd St. Gainesville, FL 32606		Phone: (352) 375-8999	
Parcel No.: 07883-011-000			
Acreage: 1.94 Acres		S: 19	T: 09 R: 20
Requested Action: Rezoning and Site Development Plan Review			
<p><b>I hereby certify that:</b> I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.</p>			
Property owner signature: 			
Printed name: <u>Michael R. Jones, President Streit's Inc.</u>			
Date: <u>10-16-2018</u>			
<p>The foregoing affidavit is acknowledged before me this <u>16th</u> day of <u>October</u>, 2018, by <u>Michael R. Jones</u>, who is/are personally known to me, or who has/have produced <u>FL Driver's License</u> as identification.</p>			
NOTARY SEAL			
Signature of Notary Public, State of <u>Florida</u>			
			





**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING DIVISION**  
 PO Box 490, Station 12  
 Gainesville, FL 32627-0490  
 P: (352) 834-6028  
 F: (352) 334-3259

**PUBLIC NOTICE SIGNAGE AFFIDAVIT**

Petition Name PB-18-00125

Applicant (Owner or Agent) JBrown Professional Group Inc.

Tax parcel(s) 07833-011-000



Being duly sworn, I depose and say the following:

1. That I am the owner or authorized agent representing the application of the owner and the record title holder(s) of the property described by the tax parcel(s) listed above;
2. That this property constitutes the property for which the above noted petition is being made to the City Of Gainesville;
3. That this affidavit has been executed to serve as posting of the "Notice of Proposed Land Use Action" sign(s) which describes the nature of the development request, the name of the project, the anticipated hearing date, and the telephone number(s) where additional information can be obtained. In addition, the applicant has securely posted the sign(s) on the property along each street frontage, at intervals of not more than four hundred (400) feet, and set back no more than ten (10) feet from the street and visible from the street. If the property does not abut a public right-of-way, signs have been placed at the nearest public right-of-way with an indication of the location of the subject property.
4. That the applicant has posted the sign(s) at least fifteen (15) days prior to the scheduled public hearing date; or for Historic Preservation Certificate of Appropriateness applications, at least ten (10) days prior to the scheduled public hearing date.
5. That the applicant shall maintain the signs(s) as provided above until the conclusion of the development review and approval process and that the signs shall be removed within ten (10) days after the final action has been taken on the development application.
6. That I (we), the undersigned authority, hereby certify that the foregoing statements are true and correct.

7. [Signature] ANTHONY J. BROWN JR.  
PRESIDENT, JBROWN PROFESSIONAL GROUP

8. Applicant (signature) [Signature] Applicant (print name) ANTHONY J. BROWN JR.

STATE OF FLORIDA  
 COUNTY OF ALACHUA

Before me the undersigned, an officer duly commissioned by the laws of the State of Florida, on this 11/8/18 day of November, 2018, personally appeared who having been first duly sworn deposes and says that he/she fully understands the contents of the affidavit that he/she signed.

Laurie L. Thomas Notary Public  
 My Commission expires: 4/1/2020

**RECORDING SPACE**



**LAURIE L. THOMAS**  
 Notary Public - State of Florida  
 Commission # FF 961502  
 My Comm. Expires Apr 1, 2020  
 Bonded through National Notary Assn.

Form revised on March 11, 2014. Form location: <http://www.cityofgainesville.org/PlanningDepartment.aspx>

**FOR OFFICE USE ONLY**

Petition Number \_\_\_\_\_ Planner \_\_\_\_\_



Request to Change the  
Routing from R2 to BA  
Project No. 18-00125  
Meeting Date:  
11-29-2018, 6:30 PM  
City of Ocala  
Public Meeting  
Citizen centered  
People empowered

What's going on?

REQUEST TO CHANGE THE  
ZONING FROM BUSTO BA

EXHIBIT  
tabbles  
E-4

Project ID

PB-18-00125

Meeting Date/Time

11-29-2018; 6:30 PM

City Hall Auditorium  
200 East University Avenue

# PUBLIC MEETING

Want to learn more?  
352-334-5050 | cogplanning@cityofgainesville.org



**Gainesville.**  
Citizen centered  
People empowered





# JBrown Professional Group

CIVIL ENGINEERING • LAND SURVEYING • PLANNING

3530 NW 43rd Street • Gainesville, FL 32606 • 352.375.8999 • JBProGroup.com

## Neighborhood Workshop Summary For RideNow Powersports Rezoning & Development Plan

The neighborhood workshop for the RideNow Powersports redevelopment was held on Friday, August 24, 2018 at the RideNow Powersports Sales Center at 4920 SW 13<sup>th</sup> Street in Gainesville. The workshop was noticed in the Gainesville Sun and mailers were sent out to the required property owners in advance of the workshop in accordance with City of Gainesville regulations and requirements. Jay Brown of JBrown Professional Group Inc. conducted the workshop.

The meeting began at 6:30 PM and Mr. Brown presented the plan to rezone the northern parcel from BUS to BA, and the planned conceptual site plan for the proposed redevelopment. There were only two (2) members of the public in attendance in addition to Mr. Brown. The other attendees were Michael Jones, who owns the properties being rezoned and developed, and Mark Youmans, the sales manager of the Gainesville RideNow Powersports business. Mr. Jones is the property owner but not the developer or owner of the business.

Mr. Brown provided a handout (attached) explaining the rezoning and the reasons for doing so. He also presented a conceptual site plan of the proposed redevelopment (also attached) and explained the general nature of the redevelopment. The encroachment of the parking area at the south side of the property was discussed, as was the proposed stormwater management location on the northern parcel. Mr. Jones brought up that he and his attorney vacated a City R/W (NW 49<sup>th</sup> Ave.) in 2013, that bisected the property on paper only. He also mentioned that the northern parcel had previously been used as a mobile home sales center, and that he bought the property from Home Depot when Home Depot was constructed to the north.

The workshop began at 6:35 PM and ended at around 7:00 PM.

The following items are attached to further document the Neighborhood Workshop.

1. Meeting sign-in sheet
2. Copy of Rezoning handout provided at the workshop.
3. Copy of Conceptual Site Plan provided at the workshop.
4. Copy of Newspaper Advertisement Tear Sheet
5. Copy of Gainesville Sun Public Notice Affidavit
6. Copy of Mailed Public Notice







## Rezoning Request Change the Zoning from BUS to BA

Tax Parcel No. 07883-011-000  
Parcel Size = 1.94 acres



### Reason for Rezoning:

1. Create consistent zoning throughout the 2 parcels for unified development
2. Use is more closely related to Business Automotive
3. Vehicle Sales with outdoor display is allowed by right in BA and not BUS
4. Vehicle Repair is allowed by right in BA and not BUS

EXHIBIT

E-5



# PLAN

From Page A1

"As their actions make clear, our adversaries have transformed space into a warfighting domain already, and the United States will not shrink from this challenge," he said.

In June, the president directed the Pentagon to create a "separate but equal" space force, a complicated and expensive move that could take years to gain Congress' approval and become operational. On Thursday, Pence said the administration will work with Congress on the plan and will outline a budget next year. The last time the U.S. created a new uniformed military service was in 1947, when the Air Force was launched after World War II. It joined the Army, Navy, Marine Corps and Coast Guard.

Defense Secretary Jim Mattis has endorsed steps to reorganize the military's space warfighting forces and create a new command, but he previously opposed launching an expensive new service. A new branch of the military would require layers of bureaucracy, military and civilian leaders, uniforms, equipment and an expensive support structure.

Asked about the cost,

Deputy Defense Secretary Patrick Shanahan told reporters the Pentagon doesn't have a number yet but will when the legislative proposal is finished by the end of the year.

"I would assume it's billions," he said. Shanahan said Mattis' opposition to a separate service last year was rooted in concerns about spending more on overhead while under strict budget caps — implying that those worries may not be as great now.

Deborah James, who served as Air Force secretary for the final three years of the Obama administration, estimated it would be five to 10 years before a separate service would be fully formed.

"Eventually, it'll settle out, but you will go through years of thrashing. And is that thrashing going to slow your momentum or is it going to help you achieve your goals and address the real challenges that we have on our plate?" she said at Brookings Institution last week. "I don't think so. I don't. I wouldn't vote in favor of it."

The military's role in space has been under scrutiny because the United States is increasingly reliant on orbiting satellites that are difficult to protect. Satellites provide communications,

navigation, intelligence and other services vital to the military and the national economy.

U.S. intelligence agencies reported earlier this year that Russia and China were pursuing "nondestructive and destructive" anti-satellite weapons for use during a future war. And there are growing worries about cyberattacks that could target satellite technology, potentially leaving troops in combat without electronic communications or navigation abilities.

The Pentagon proposal delivered to Congress on Thursday lays out plans to consolidate U.S. warfighting space forces and make organizational changes to boost the acquisition and development of technologies.

It says the department will establish a Space Command to develop warfighting operations, a Space Development Agency to more quickly identify and develop new technologies, a Space Operations Force of leaders and fighters and a new support structure. In the second phase, the Pentagon would combine all the components into the new sixth branch of service.

In the meantime, the Space Command would be led by a four-star general, and Pence said a new high-level civilian post — assistant defense secretary for space — would also be created.

"We are glad that the Pentagon is finally taking these steps in enhancing our space strength," Reps. Mike Rogers, R-Ala., and Jim Cooper, D-Tenn., leaders of the House Armed Services Subcommittee on Strategic Forces, said in a statement. They said the Pentagon report was the start of a "multi-year process that we think will result in a safer, stronger America."

# In Arizona's Senate race, Dem seeks to flip GOP seat

By Thomas Beaumont and Melissa Daniels  
The Associated Press



PHOENIX — Arizona is a political rarity this year, one of the few places where Democrats have any hope of flipping a Republican Senate seat.

In a year when the Senate map isn't favorable for Democrats, changing demographics could put the seat being vacated by Sen. Jeff Flake within reach.

As three Republicans compete for the conservative mantle, especially on immigration policy, Democratic Rep. Kyrsten Sinema is taking out the political center and emerging as a strong general-election contender. She faces nominal opposition in the state's Aug. 28 primary.

A Sinema victory in November could have big implications beyond control of the Senate, signaling an opportunity for Democrats to make inroads in the Southwest. That would be valuable heading into the 2020 presidential election as the party struggles to regain ground in the Rust Belt.

## What's happening?

Sinema is virtually assured of the Democratic nomination, despite misgivings among some Democratic activists about conservative votes on immigration. Still, the three-term Phoenix-area representative has raised

more money than any of her would-be Republican opponents and has edged each of them in recent general-election surveys.

She has downplayed angst within her party over votes she has cast as one of only a few Democrats joining majority Republicans to increase penalties sharply for people deported more than three times and give federal officials authority to detain and deport non-citizens who live in gang territory.

"Arizonaans are a very practical people, really focused on common-sense, pragmatic solutions," she said in an Associated Press interview last month.

While Sinema portrays herself as a centrist, the Republican contest has prompted moderate, establishment-backed Martha McSally to take

more hard-line positions on immigration. The two-term House member notably withdrew her co-sponsorship in May from a bill that would offer the potential of citizenship for children who entered the United States illegally.

Recent polls give McSally a narrow lead over former state Sen. Kelli Ward and former Maricopa County Sheriff Joe Arpaio, who are both positioning themselves as conservative outsiders.

Ward, who unsuccessfully ran against Sen. John McCain in 2016, was endorsed last year by former Trump strategic adviser Steve Bannon. Arpaio was the Phoenix area's top law enforcement officer for 24 years and gained a national reputation for aggressive immigration arrest practices, but he was defeated for re-election in 2016.

## PUBLIC NOTICE

A Neighborhood Workshop will be held to discuss the rezoning of Tax Parcel 07883-011-000 from the current zoning category of BUE to a new zoning category of B8, and the redevelopment of combined Tax Parcels 07883-011-000 and 07885-001-000 for an improved vehicle sales and service center. The combined property is a 3.41 acre property with an address of 4820 NW 13th Street. The purpose of the workshop is to inform neighboring property owners about the nature of the project, and to seek comment.

The workshop will be held on Friday August 24, 2018 at 8:30 PM at the RideNow Powerports Station Center at 4820 NW 13th Street, Gainesville, FL 32609. Contact Person: Jay Brown, P.E. @ JBrown Professional Group Inc. (352) 376-8999

## NOTICE OF AVAILABILITY OF CITY OF GAINESVILLE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM ANNUAL REPORT FOR INSPECTION AND COMMENT

The City of Gainesville is a recipient of funds from the State Housing Initiatives Partnership (SHIP) which were used to implement the City's Local Housing Assistance Plan (LHAP) strategies for the purpose of providing affordable housing assistance to very low, low and moderate income households in the City of Gainesville.

The City of Gainesville's SHIP Annual Report has been completed and is available for review and public comment. A 30 calendar day comment period on the SHIP Annual Report will commence on Friday, August 10, 2018 and conclude on Monday, September 10, 2018. During the public comment period, a copy of the SHIP Annual Report will be available for public review from Monday-Friday, 8:00 a.m. - 5:00 p.m. at the office of Housing & Community Development Division, Thomas Center "B", 306 NE 6th Avenue, Room 245, Gainesville, Florida.

The SHIP Annual Report covers program years 2015/2016, 2016/2017, and 2017/2018. In 2015/2016 the City received \$669,112.67; \$873,434.47 in 2016/2017; and \$593,735.25 in 2017/2018, which includes state allocation, program income, interest earned and other funds for each program year. The activities assisted with SHIP funds included programs such as purchase assistance for first-time homebuyers, homeowner rehabilitation, roof replacement, mortgage foreclosure intervention, rental assistance and homebuyer education and training.

The public is encouraged to review and comment on the SHIP Annual Report. Written comments on the report may be sent to: Helen Harris, Interim HCD Supervisor, Housing & Community Development Division, P.O. Box 490, Station 22, Gainesville, Florida 32627-0490; or to email address: harrishj@cityofgainesville.org. Written comments must include person(s) name, address and interest affected and must be received by September 10, 2018. Comments will be included and forwarded to the Florida Housing Finance Corporation with the City of Gainesville's SHIP Annual Report. For further information, please contact Ms. Harris at (352) 393-8624 or harrishj@cityofgainesville.org.

The City of Gainesville is an Affirmative Action/Equal Opportunity/Drug Free Workplace Employer. The City of Gainesville is committed to a policy of non-discrimination in all City programs, services and activities, and will provide reasonable accommodations upon request. In accordance with the Americans with Disabilities Act and ss 286.26, Florida Statutes, the public hearings will be held in locations that are accessible to persons with disabilities. Reasonable accommodations will be made for individuals with disabilities or persons with Limited English Proficiency requiring auxiliary aids or services. Persons needing a special accommodation to participate in any proceeding should contact the City of Gainesville Office of Equal Opportunity at (352) 334-5051 (voice) or 711 (Florida Relay Service) for TDD/TTY Users. Requests must be made at least 48 hours in advance of meetings in order to allow the city time to provide the requested services.

FAIR HOUSING/EQUAL OPPORTUNITY/DISABILITY ACCESS JURISDICTIONS



## DEATH

From Page A1

more deaths from September to December 2017 than the average for the same time period over the previous four years.

The territory's government said that the additional deaths resulted from the effects of a storm that led to a "cascading failures" in infrastructure across the island of 3.5 million people.

The administration of Gov. Ricardo Rossello stopped updating its official death toll months ago and ordered an investigation amid reports that the number was substantially undercounted. Public Safety Department Secretary Hector Pesquera said the new total will reflect the findings of the investigation, which is expected in the coming weeks.

The figure of more than 1,400, Pesquera said, "is simple math" based on the number of excess deaths. "This is not the official number of deaths attributable to Hurricane Maria," he said.

Hurricane Maria, which came just two weeks after

Hurricane Irma passed near enough to cause damage to the island, knocked out power and water across Puerto Rico and caused widespread flooding that left many sick and elderly people unable to get medical treatment.

"The hurricanes' devastating effects on people's health and safety cannot be overstated," the government said in the report seeking assistance from Congress to help rebuild an island that was already struggling from a deep economic crisis at the time of the storm.

In the weeks after the storm, Puerto Rican officials said the storm directly caused 64 deaths, many in landslides or flooding. But they have also said that more people likely died due to indirect effects of the powerful storm. "We always anticipated that this number would increase as more official studies were conducted," Pesquera said.

The government commissioned an independent epidemiological study by George Washington University and the Milken Institute of Public Health that is due in coming weeks.

The use of the higher death toll in the report to Congress was first reported Thursday by The New York Times.

Most of the deaths occurred not in the initial storm on Sept. 20, but in the ensuing days and weeks when the island-wide electricity outage and roads blocked by downed power lines and other debris made it difficult to move around and emergency services were stretched beyond their capabilities.

Government agencies have used various methods to count storm deaths over the years, with authorities generally trying to sort them into direct and indirect to include people whose deaths are tied to a natural disaster without necessarily being obviously caused by it.

New York Congresswoman Nydia Velazquez, who was born in Puerto Rico, has called for legislation that would establish federal standards for death counts after disaster. "It has been tragically clear for some time that the devastation from Irma and Maria was many magnitudes worse than the official death toll suggested," she said.

## SCAM

From Page A1

resulted in 27 additional arrests including some UF employees and friends of Robinson, said Darryl Lloyd, spokesman for the Eighth Circuit State Attorney's Office.

Robinson pleaded to 27 counts of grand theft and one count of aggravated white collar crime.

A nine-year prison sentence was warranted under a scoring system based on the crimes and other factors. But Robinson's plea was made without a recommended sentence by prosecutors, and Circuit Judge William Davis opted to give a longer sentence.

"She pled open to the court. The judge went

higher," Lloyd said. "When you look at the individual checks, 1,150 checks, and 27 counts of grand theft. That's a lot of money, that's a lot of checks. Almost \$6,000 a month is what she was taking."

Police say Robinson stole money from UF by creating fake parking decal numbers and issuing fraudulent checks to herself and others as refunds for those decals.

Robinson and her boyfriend, Herschel Walker, approached individuals and asked them to cash the fraudulent checks and give the money back to them, allowing the subjects to keep some of the money themselves.

Robinson was arrested in March 2017. At the time, UF police said she had issued 25 fraudulent checks from April 21, 2016,

to March 6, 2017.

In all, more than 1,000 fraudulent checks were written to herself and others that totaled more than \$351,422 over roughly a four-year span.

Walker is among the others charged with theft.

Many of the others have already entered pleas under agreements in which they pledged to testify against Robinson.

Since Robinson's arrest, the Transportation and Parking Services office developed further safeguards against internal fraud, UF officials said.

UF's Transportation and Parking Services is audited every two to three years and is a \$22-million department. Refunds make up a small part of the department's operations, which is likely why the fraud went unnoticed for years, a former UF spokeswoman said.

EXHIBIT

E-5

STATE OF FLORIDA  
COUNTY OF ALACHUA

Published Daily and Sunday  
Gainesville, Florida

Before the undersigned authority personally appeared Kim Kanemoto who on oath says that she is an Advertising Account Executive of THE GAINESVILLE SUN, a daily newspaper published in Gainesville in Alachua County, Florida (with circulation in Alachua, Bradford, Clay, Columbia, Gilchrist, Lafayette, Levy, Marion, Putnam, Suwannee, Taylor Counties), that the attached copy of advertisement, being a Public Notice relating to the matter of

**PUBLIC NOTICE**

A Neighborhood Workshop will be held to discuss the rezoning of Tax Parcel 07883-011-000 from the current zoning category of BUS to a new zoning category of BA, and the redevelopment of combined Tax Parcels 07883-011-000 and 07895-001-000 for an Improved vehicle sales and service center. The combined property is a 3.41 acre property with an address of 4820 NW 13th Street. The purpose of the workshop is to inform neighboring property owners about the nature of the project, and to seek comments.

The workshop will be held on Friday August 24, 2018 at 6:30 PM at the RideNow Powersports Sales Center at 4820 NW 13th Street, Gainesville, FL 32609.

Contact Person: Jay Brown, P.E. @ JBrown Professional Group Inc. (352) 375-8999

was published in said newspaper in the issues of Friday, August 10, 2018.

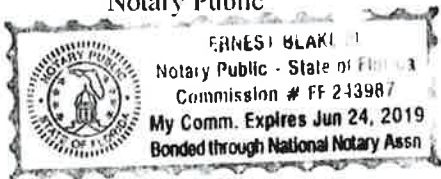
Affiant further says that THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida and that the said newspaper has heretofore been continuously published in said Alachua County, each day, and has been entered as second class mail matter at the post office in Gainesville, in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount for publication in said newspaper.

Sworn to and subscribed before me this  
10th day of August A.D. 2018.

Kim Kanemoto

[Signature]

Notary Public



**EXHIBIT**

tabbles:

E-5





# JBrown Professional Group

**CIVIL ENGINEERING • LAND SURVEYING • PLANNING**

3530 NW 43rd Street • Gainesville, FL 32606 • 352.375.8999 • JBProGroup.com

October 15, 2018

Mrs. Bedez Massey  
Planner  
City of Gainesville Dept. of Doing  
P.O. Box 490, Station 12  
Gainesville, FL 32627-0490

Re: Parcel 07883-011-000 Application for Rezoning from BUS to BA

Dear Bedez:

We have reviewed the staff comments provided within the ProjectDox electronic portal and have prepared the attached report which provides responses to each of the comments.

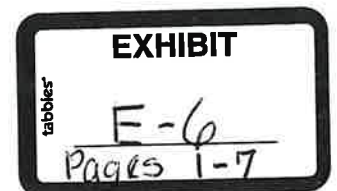
Please review the attached items and feel free to contact me if you require any additional information or have any questions regarding our re-submittal information.

Sincerely,



A. J. "Jay" Brown Jr., PE  
President, JBrown Professional Group Inc.

Cc: Brett Shafer, DS Contracting.







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## PB-18-00125 Streit's Rezoning Report with Response to Staff Comments

This report is provided to address the Dept. of Doing staff comments provided within the ProjectDox portal.

### Staff Comment (Dept. of Doing – B. Massy):

1. **Applications to rezone property must be reviewed according to the criteria in Sec. 30-3.4 of the City Land Development Code. Therefore, it is recommended that the applicant address the criteria in report form. Under consideration will be the compatibility of this application with the efforts of the City, Home Depot, and the Alachua Conservation Trust to purchase the adjacent 68 acres of uplands and 8.5 acres of wetlands in 2008 to protect the headwaters of Hogtown Creek.**

**Response:** This report has been prepared to address staff's comments concerning City LDC Section 30-3.14, which identifies items A. – J for consideration. The code section items and the response to each section are provided below.

### Sec. 30-3.14. - Rezoning Criteria.

Applications to rezone property shall be reviewed according to the following criteria:

- A. *Compatibility of permitted uses and allowed intensity and density with surrounding existing development.*

The property to the west of the subject parcel is owned by the City of Gainesville. The property is zoned Conservation, has Conservation land use, and is primarily undeveloped. The subject property is cleared and the portion of the adjacent conservation property next to the RideNow site is cleared also. Currently there are no known plans for any development to occur on the City Conservation lands.

The subject parcel is currently zoned business (BUS) and is being used as a parking area for the existing RideNow Powersports business. The allowed intensity and density will remain essentially similar due to the rezoning. The proposed BA zoning actually provides greater setbacks than the existing BUS zoning to further protect the adjacent property with the future development activity. It should also be noted that the next 2 properties to the south are also zoned BA and abut the City's Conservation lands with no apparent compatibility issues.

The adjacent property to the south is owned by the petitioner and is part of the





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same RideNow Powersports business. The rezoning will allow the existing business to expand and include a new building with larger, parts, sales and service space. Therefore it is obviously compatible with the property to the south.

From a review of the available on-line wetland maps, the nearest edge of potential wetlands within the adjacent conservation lands appears to be about 150 feet from the nearest edge of the subject parcel. This provides far in excess of the City buffer requirements for wetlands and should be adequate protection for the wetland.

***B. The character of the district and its suitability for particular uses.***

The subject parcel is currently zoned BUS, General Business. The adjoining property to the south is zoned BA, Automotive-Oriented Business as are the next 13 properties to the south along SW 13<sup>th</sup> Street. The subject site has been utilized as a parking area for many years and contains no significant natural resources as was confirmed by City staff. The proposed rezoning to BA, and the potential permitted uses are very similar to those of a BUS zoning district and compatible with the neighboring use and many other existing nearby uses in the 13<sup>th</sup> Street corridor. The purpose of this request is to allow the expansion of the applicant's existing business onto the adjoining parcel. AS a result the subject parcel is ideally suited for the particular use.

***C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.***

As stated above, the proposed BA zoning district is the same as the adjoining parcel to the South. The nearby properties with frontage along SW 13<sup>th</sup> Street are mostly developed as commercial uses. The parcel to the west is currently zoned Conservation and is owned by the City. The north and east side of this triangular parcel fronts SW 13<sup>th</sup> Street, a major four lane divided highway. Across 13<sup>th</sup> Street to the Northeast are industrial uses. Across 13<sup>th</sup> Street to the Southeast are commercial uses with similar BA zoning. Changing the zoning district from BUS to BA does little to affect the types of uses allowed and does not change the potential for impacts to surrounding properties.

***D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.***

The property has no existing buildings. There is a paved parking area that covers much of the site. The applicant intends to construct a new building to allow the expansion of the existing business from the south and the new building will conserve lands, as it will connect to the building to the south and span the 2





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properties. According to City LDC, Section 30-4.20, the dimensional standards applicable to the BUS and BA zoning are nearly identical, with BA requiring slightly increased setbacks. Therefore, the size and design of buildings allowed in the current BUS zoning district would be the same as those allowed in the proposed BA District, with the only significant difference being a few of the types of uses that are permitted in the building and on the site.

- E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.*

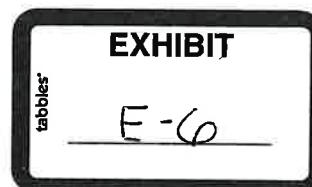
There are no known current City plans to provide new land uses, traffic ways, recreation facilities, schools, neighborhoods, stormwater management facilities or housing in the immediate vicinity. The adjacent Conservation land could be developed for additional recreational uses or remain conservation to protect the natural lands. The rezoning of the subject parcel from BUS to BA is not expected to have an effect on the use of the neighboring property as Conservation. The subject property has an existing driveway access to SW 13<sup>th</sup> Street. The proposed zoning and intended use will not create an impact to recreation, schools, housing or distant neighborhoods. Stormwater management will be improved by a new development on the subject parcel as the future developed site will be required to comply with current stormwater standards as a condition of subsequent development plan approval.

- F. The needs of the city for land areas for specific purposes to serve population and economic activities.*

The subject parcel is less than two acres with a Commercial Future Land Use that accommodates either the BUS or the BA zoning districts. This rezoning will only slightly affect the types of uses that may occur on the property and thus would have an imperceptible effect on the overall needs for the City. Given the unusual geometry of this triangular site, the intended expansion of the applicant's neighboring business provides the best opportunity to fully utilize the development potential of this site and to promote appropriate economic activity of the City.

- G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.*

The business corridor along US 441 / NW 13<sup>th</sup> Street in the project vicinity has had minimal changes in recent history and has been a business corridor for many years. The proposed rezoning, from BUS to BA, will not cause a substantial change to the character of development in or near the existing very intensive commercial corridor of NW 13<sup>th</sup> Street.





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*H. The goals, objectives, and policies of the Comprehensive Plan.*

The site is currently designated as Commercial on the Comprehensive Plan Future Lands Use map. According to Section 30-4.2, the Commercial future land use corresponds to the BA and the BUS zoning districts. Rezoning this property to a BA zoning district and developing this property with a commercial use is compatible with the Comprehensive Plan commercial policies.

*I. The facts, testimony, and reports presented at public hearings.*

There have not been any recent public hearings regarding this property rezoning. The applicant's representatives will be prepared to listen to testimony and to respond to questions that may arise at the future public hearings for this proposed rezoning petition.

*J. Applications to rezone to a transect zone shall meet the following additional criteria:*

Not applicable. The site is not located in a transect zone.

**Staff Comment**

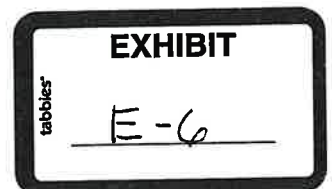
**2. The application response to Item 6.B contradicts responses to other items on the application. Also see DOD interactive maps.**

The incorrect box was checked on 6.B, and should have been checked yes. A revised application is included with the resubmittal that corrects this item on Page 2 of the application. There are numerous other properties within ½ mile of the site that currently are designated as Commercial on the Future Land Use Map and that have BA zoning. Most of those parcels are developed with existing commercial uses and are unavailable to the applicant. The applicant's intent is to expand an existing business. This is a request to rezone the only vacant parcel that is contiguous to the applicant's well established business, and it is also owned by the applicant.

**Staff Comment**

**3. The applicant must address the specified LOS standards, if only projections in consideration of the intended use of the land.**

The proposed rezoning has no effect on the potential LOS impacts of developing this site. Permitted uses within the BUS zoning district would be potentially as impactful to the LOS standards as permitted uses in the proposed BA district. As a result a LOS analysis is not appropriate for this rezoning petition, as it cannot be ascertained without a proposed development plan. The rezoning does not enable a density or





intensity increase to City LOS standards. If the application for rezoning is approved, the applicant will prepare a development plan and the LOS impact for the intended use can be established. This type of analysis would be appropriate for a rezoning application that included a development plan but this application does not. This is consistent with Public Works Traffic Studies comment that request trip generation or traffic studies be provided at the development plan review stage, as well as Transportation mobility comments indicating that a Traffic Study may be needed at the development review stage.

### Staff Comment

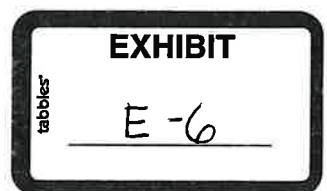
- 4. **There is adjacent property that contains Conservation land use and zoning in which single-family residential development is permitted.**

The application documents the adjoining property to the west and north is zoned Conservation. Page 3 of the Plan Board Application has been revised. The adjacent conservation property is owned by the City and it is not known that the City's Conservation Management Plan for this conservation site promotes or allows for residential uses. That would be inconsistent with the City's conservation management practices of conservation lands within the City. If developing this Conservation site for residential use is the intent of the City, this can be discussed at the public hearings. However, the rezoning of the site from BUS to BA has a negligible effect on any potential residential development within the conservation zoned lands. The land use will remain commercial and commercial setbacks and buffering would still apply.

### Staff Comment

- 5. **Please revise the documentation in consideration of comments from the City Urban Forestry Inspector regarding significant environmental features on adjoining property.**

Page 3 of the Plan Board Application has been revised and has been uploaded as part of the re-submittal. The original application recognized the adjacent property to the West as Conservation Future Land Use and Conservation Zoning. With this report, the applicant further acknowledges that future proposed development plans will include a field measurement from the wetland boundaries on the Conservation property and will develop with the required buffer distance consistent with the City Land Development Regulations. The environmental setbacks required per City LDC Section 30-8.19 would apply with any future development. In reviewing the environmental considerations from available GIS inventory it appears that the adjacent City conservation lands contain wetlands. The City wetland buffer requirements would require a minimum 35 ft. and average 50 ft. of buffer from the edge of wetlands. Based on GIS inventory, the nearest wetland edge is approximately 150 ft. from the subject property, and the required wetland buffer would





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be maintained solely on the adjacent conservation lands and not on the subject property.

**Staff Comment**

- 6. The acreage shown is not consistent with other application documents. Please correct.**

The legal description indicates that the parcel is 1.937 acres. The number was rounded to 1.94 acres in several places on the application. The Property Owner affidavit has been corrected and resubmitted with the corrected acreage.

**Staff Comment**

- 7. The applicant's response to Item 6B. contradicts responses to other items on the application. Also, see City's DOD interactive maps.**

Item 6B of the Plan Board Application has been revised to check yes and provide an explanation.

**Staff Comment**

- 8. The applicant must address the specified LOS standards, if only projections, for the intended use of the subject property.**

Page 4 H. of the Plan Board Application should be for rezoning items that include development plans, which this does not. The responses in the application are appropriate.

**Staff Comment**

- 9. Please revise with documentation in consideration of comments from the City Urban Forestry Inspector regarding significant environmental features on adjoining property.**

Page 3 of the Plan Board Application has been revised and has been uploaded as part of the re-submittal.

**Staff Comment**

- 10. There is adjacent property that contains Conservation land use and zoning in which single-family residential development is permitted.**

Page 3 of the Plan Board Application has been revised and has been uploaded as part of the re-submittal. Please also see the additional information provided in the response to Item 5.



**APPLICATION FOR A LOT SPLIT**  
**Planning & Development Services Department**

**OFFICE USE ONLY**

Petition No. \_\_\_\_\_ Fee: \$ \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_ EZ Fee: \$ \_\_\_\_\_  
 Tax Map No. \_\_\_\_\_ Receipt No. \_\_\_\_\_

Account No. 001-660-6680-3401 [ ]  
 Account No. 001-660-6680-1124 (Enterprise Zone) [ ]  
 Account No. 001-660-6680-1125 (Enterprise Zone Credit) [ ]

**In accordance with Section 30-189, Land Development Code, City of Gainesville, FL:**

I (We) Name: JBrown Professional Group Inc. [ ] Owner  
 [x] Agent

Address: 3530 NW 43rd Street  
 City: Gainesville  
 State: Florida Zip: 32606  
 Phone: (352) 375-8999 Fax: (352) 375-0833

Hereby petition to the Planning Division, Department of Community Development, for a lot split on the property located at: Note: This is a lot line adjustment of a Minor Subdivision  
 Address or location: Approximately 4950 NW 13th Street Gainesville, FL 32609  
 Tax parcel number: 07883-010-004, 07883-010-005 & 07883-011-000

Land description of Lot #1 included on survey or scaled drawing: [x] yes  
 Land description of Lot #2 included on survey or scaled drawing: [x] yes  
 Water [x] yes or [ ] no and Sanitary Sewer [x] yes or no [ ], services are available to the property.

Owner(s) of Record (please print or type)	Owner(s) of Record (please print or type)
Name: City of Gainesville	Name: Streit's Inc.
Address: PO Box 490	Address: 14823 SW 79th Street
City: Gainesville	City: Archer
State: Florida Zip: 32601	State: Florida Zip: 32618
Phone: (352) 334-5010 Fax: (352) 334-3119	Phone: (352) 495-9884 Fax: N/A

I understand that all utility service shall be installed beneath the surface of the ground in accordance with section 30-345. I also understand that no further division of this lot will be permitted under this section. If further divisions are desired, a record plat or minor subdivision must be prepared and submitted in accordance with the Code of Ordinances of the City of Gainesville.

Signature of owner(s): Mr. Michael R. Jones, President, Streit's Inc. Date: 11-16-18

**Certified Cashier's Receipt:**



Lot Split Application  
 City of Gainesville  
 Page 2

<b>OFFICE USE ONLY</b>			<i>In accordance with Section 30-189 of the City of Gainesville Code of Ordinances, the Department of Community Development hereby authorizes the granting of the lot split described above.</i>
<i>Approval Check-Off</i>	<i>Yes</i>	<i>No</i>	
Public Works	[ ]	[ ]	Signature: _____ Date: _____ Dept. of Community Development _____
Building Division	[ ]	[ ]	
Regional Utilities	[ ]	[ ]	
Planning Division	[ ]	[ ]	





# PROPERTY OWNER AFFIDAVIT

Owner Name: Streit's Inc.			
Address: 14823 SW 79th St. Archer, FL 32618		Phone: (352) 495-9884	
Agent Name: A. J. "Jay" Brown Jr. & JBrown Professional Group Inc.			
Address: 3530 NW 43rd St. Gainesville, FL 32606		Phone: (352) 375-8999	
Parcel No.: 07883-011-000			
Acreage: 1.96 Acres	S: 19	T: 09	R: 20
Requested Action: Minor Subdivision Lot Line Adjustment			

I hereby certify that: I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property owner signature: 

Printed name: Michael R. Jones, President Streit's Inc.

Date: 11-16-2018

The foregoing affidavit is acknowledged before me this 16th day of November, 2018, by Michael R. Jones, who is/are personally known to me, or who has/have produced FL Driver's License as identification.

NOTARY SEAL



Signature of Notary Public, State of Florida

Laurie L. Thomas

