

LEGISLATIVE #

121107A

ORDINANCE NO. 121107

1
2
3 **An ordinance of the City of Gainesville, Florida, amending Policy 4.3.6 of the**
4 **Future Land Use Element of the City of Gainesville Comprehensive Plan**
5 **relating to the Butler Development Planned Use District (PUD) that is**
6 **generally located north of Archer Road, west of SW 34th Street, east of I-75,**
7 **and south of SW 24th Avenue; amending the Future Land Use Map Series in**
8 **the Future Land Use Element of the Comprehensive Plan by deleting and**
9 **replacing two maps depicting the Butler Development PUD and the**
10 **underlying land use categories for the properties within the Butler**
11 **Development PUD; providing directions to the City Manager; providing a**
12 **severability clause; providing a repealing clause; and providing an effective**
13 **date.**

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15
16 **WHEREAS,** the Planned Use District (PUD) land use category is an overlay land use
17 district that may be applied to any specific property in the City to allow unique, innovative or
18 narrowly construed land use proposals that might otherwise not be allowed in the underlying
19 land use category; and

20 **WHEREAS,** each PUD land use overlay shall be adopted by an ordinance with land use
21 regulations that address density and intensity, permitted uses, access by car, foot, bicycle, and
22 transit, trip generation and trip capture, environmental features and, when necessary, buffering of
23 adjacent uses; and

24 **WHEREAS,** upon the adoption of a PUD land use overlay, the underlying land use
25 categories are neither abandoned nor repealed, but are inapplicable as long as the subject property
26 is developed and used in accordance with the PUD land use overlay and the implementing
27 Planned Development (PD) zoning ordinance; and

28 **WHEREAS,** on August 5, 2010, the City Commission adopted Ordinance No. 090537,
29 which overlaid the PUD land use category on the subject property and established implementing

1 land use regulations through the creation of Policy 4.3.6 of the Future Land Use Element of the
2 City of Gainesville Comprehensive Plan; and

3 **WHEREAS**, by initiation of a petition by the owners of the subject property, notice was
4 given as required by law that the subject property’s PUD land use overlay and implementing land
5 use regulations be amended by amending Policy 4.3.6 of the Future Land Use Element of the City
6 of Gainesville Comprehensive Plan and the Future Land Use Map Series; and

7 **WHEREAS**, notice was given as required by law and a public hearing regarding the
8 petition was held by the City Plan Board on February 19, 2013; and

9 **WHEREAS**, notice was given as required by law and a public hearing regarding the
10 petition was held by the City Commission on May 29, 2013; and

11 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
12 inches long was placed in a newspaper of general circulation and provided the public with at
13 least seven (7) days’ advance notice of the first public hearing (transmittal stage) to be held in the
14 City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

15 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City
16 transmitted copies of this proposed amendment to the reviewing agencies and any other local
17 government or governmental agency that requested same; and

18 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long
19 was placed in the aforesaid newspaper and provided the public with at least five (5) days’
20 advance notice of the second public hearing (adoption stage); and

- 1 • Plum Creek SR-121
- 2 • Hatchet Creek PUD
- 3 • ~~Butler Plaza Future Land Use~~ Butler Development Underlying Future Land Use
- 4 • ~~Butler Plaza PUD Future Land Use Overlay~~ Butler Development PUD Future
- 5 Land Use Overlay
- 6 • Innovation Zone
- 7 • Urban Village
- 8 • Generalized Future Land Use Map [Note: This map is on file at the Planning and
- 9 Development Services Department. Come to Thomas Center B, Planning
- 10 Counter]

11

12 **Section 3.** Policy 4.3.6 of the Future Land Use Element of the City of Gainesville

13 Comprehensive Plan, which shall govern and control the use and development of the Butler

14 Development Planned Use District (PUD) property described in Exhibit “A,” is deleted in its

15 entirety and replaced as follows:

16 ~~Policy 4.3.6~~ The property governed by this policy shall be known as the Butler Development

17 “Butler Plaza.” Butler Plaza shall be divided into three (3) subareas as depicted on

18 the map labeled “PUD Future Land Use Overlay” attached hereto as Exhibit “B”

19 and made a part hereof as if set forth in full. Comprehensive Plan policies of

20 general applicability shall apply to the subject property. In the event of express

21 conflict or inconsistency between the general Comprehensive Plan policies and

22 specific policies set forth below, the specific policies shall govern. Butler Plaza

23 shall be governed by the following specific policies:

24

25 a. ~~Subareas 1, 2 and 3 shall be designated PUD (Planned Use District) on the~~

26 ~~Future Land Use Map.~~

27

28 b. ~~The maximum levels of intensity and allowable uses are established within~~

29 ~~each subarea below:~~

30

31 ~~Subarea 1: Commercial uses: 1,000,408 square feet~~

32

33 ~~Subarea 2: Commercial uses: 600,000 square feet~~

34 ~~Office uses: 50,000 square feet~~

35 ~~Hotel/motel uses: 100 rooms~~

36

37 ~~Subarea 3: Commercial uses: 900,000 square feet~~

38 ~~Office uses: 200,000 square feet~~

39 ~~Hotel/motel rooms: 400 rooms~~

40

1 e. ~~—~~ All subareas:

2
3 1. ~~—~~ A maximum of 1,000 residential units shall be allowed in Butler
4 Plaza. The units may be allocated to any of the three subareas.
5 Twenty percent of the residential units constructed, whether rental
6 or owner occupied, shall be “eligible”, “affordable housing” units
7 for “very low income”, “low income,” or “moderate income”
8 “persons or households” as those terms are defined in the City’s
9 Local Housing Assistance Program (LHAP) at the time of
10 construction. The affordability of such units shall be maintained for
11 a period of 10 years, shall run with the land and shall be
12 enforceable by the City through recorded covenants or restrictions.

13
14 2. ~~—~~ Among the subareas that allow commercial uses or office uses, the
15 owner may transfer up to 20% of the maximum allowable intensity
16 between the same uses. By way of example, the owner may transfer
17 120,000 square feet of commercial uses from subarea 2 to subarea
18 1. However, the overall maximum intensity for the combined sub
19 areas shall not be increased, and specific uses that are prohibited in
20 certain subareas as provided below, are not permitted by a transfer
21 of allowable intensity.

22
23 3. ~~—~~ The maximum cumulative development program for Butler Plaza
24 (including existing development, redevelopment and development
25 within all subareas) is also limited by the maximum trip generation
26 which is not to exceed 37,591 average daily trips for all subareas.
27 There are 12,224 average daily trips associated with the existing
28 development in subarea 1; the owner may transfer up to 20% of
29 those trips to the same use in another subarea. The planned
30 development zoning ordinance for Butler Plaza (the “PD Zoning
31 Ordinance”) shall include a land use equivalency matrix that shows
32 use substitutions based on trip generation rates using ITE Trip
33 Generation 8th Edition.

34
35 4. ~~—~~ The actual densities, specific uses and phases of development shall
36 be specified in the PD Zoning Ordinance.

37
38 d. ~~—~~ Subarea 1: Subarea 1 includes approximately 108 acres and may include
39 the full range of commercial uses allowed in the City’s Commercial land
40 use category and may include Large Scale Retail. For purposes of this
41 policy, Large Scale Retail is defined as a single retail use with a ground
42 floor footprint exceeding 100,000 square feet. Except as specified in the
43 PD Zoning Ordinance, this subarea shall be governed by the design
44 standards in the Special Area Plan for Central Corridors in the City’s Land

1 ~~Development Code. This subarea may include drive throughs consistent~~
 2 ~~with the City's Concurency Management Element and TCEA Zone M~~
 3 ~~requirements, or any successor regulations in effect at the time of~~
 4 ~~development plan approval. Special event automotive sales may be~~
 5 ~~allowed in limited locations as specified in the PD Zoning Ordinance.~~

6
 7 ~~Residential uses shall be permitted in any combination of vertical or~~
 8 ~~horizontal mix or as a standalone use. The following conditions shall~~
 9 ~~apply to Subarea 1:~~

10
 11 ~~1. The PD Zoning Ordinance shall define "redevelopment" and~~
 12 ~~specify standards for redevelopment. The redevelopment standards~~
 13 ~~shall include specific measures to transform this subarea so that it~~
 14 ~~provides better transit, bicyele, and pedestrian access. The~~
 15 ~~redevelopment standards shall address building orientation, block~~
 16 ~~length, multi-modal transportation (consistent with the City's~~
 17 ~~Concurency Management Element and TCEA Zone M policies or~~
 18 ~~any successor regulations in effect at the time of development plan~~
 19 ~~approval), open spaces, parking standards, building heights, build-~~
 20 ~~to lines and/or setback buffers, building articulation, building~~
 21 ~~materials and colors, mechanical equipment, trash and loading~~
 22 ~~areas, landseaping and overall access through the subarea.~~

23
 24 ~~2. Redevelopment shall be consistent with the Comprehensive Plan~~
 25 ~~policies that encourage the conversion of conventional shopping~~
 26 ~~centers into more traditional, walkable centers.~~

27
 28 ~~3. Redevelopment shall include design features to transform drive~~
 29 ~~aisles into a gridded, intereconnected street network lined with~~
 30 ~~street facing buildings that help to frame the street. As drive aisles~~
 31 ~~are transformed into streets, the parking areas shall require the~~
 32 ~~addition of multi-use paths, as deemed appropriate by the City~~
 33 ~~during development plan review. This shall apply to both public~~
 34 ~~and private streets.~~

35
 36 ~~4. Redevelopment shall establish a connected grid of public streets,~~
 37 ~~private streets and private access streets creating an average block~~
 38 ~~size of less than or equal to 1,600 feet in perimeter. In no event~~
 39 ~~shall the perimeter block length exceed 2,000 feet. These block~~
 40 ~~size requirements shall not apply to shared stormwater facilities or~~
 41 ~~park (active or passive recreation/open space) areas.~~

42
 43 ~~5. Redevelopment shall include pedestrian pathways from the street~~
 44 ~~to the fronts of buildings and to adjacent development as necessary~~

1 to ensure safe, direct and convenient access to building entrances
 2 and off-street parking. The pedestrian routes shall be direct and
 3 shall minimize potential conflicts with vehicles. For pedestrian
 4 safety and comfort, where a pedestrian route must go along or cross
 5 a parking lot or driveway, a separate path shall be provided with
 6 buffer landscaping and other amenities. In lieu of a separate path, a
 7 highly visible crosswalk made of materials, acceptable to the City,
 8 that provide a strong contrast between the pedestrian area and
 9 vehicular surface may be used.

10
 11 6. ~~When redevelopment occurs within this subarea adjacent to the~~
 12 ~~proposed Southwest 62nd Boulevard extension (currently~~
 13 ~~Southwest 37th Boulevard), the owner shall dedicate to the City 10~~
 14 ~~feet of additional right of way adjacent to, running parallel with~~
 15 ~~and on the eastern side of Southwest 62nd Boulevard extension~~
 16 ~~from Areher Road to Windmeadows Boulevard. The value of the~~
 17 ~~right of way shall be established by appraisal as of the date of~~
 18 ~~application for development plan review for the redevelopment.~~
 19 ~~The owner shall obtain the appraisal, at its sole expense, and shall~~
 20 ~~provide a copy to the City for its review and approval. If the~~
 21 ~~appraisal is approved by the City, the appraised value shall count~~
 22 ~~toward meeting TCEA Zone M requirements or other~~
 23 ~~transportation mitigation program in effect at the time of~~
 24 ~~development plan approval of the redevelopment. The credit for~~
 25 ~~transportation mitigation shall not be given until the dedication~~
 26 ~~occurs.~~

27
 28 7. ~~The streetscape plan for this subarea shall be required in~~
 29 ~~conjunction with redevelopment plans for that subarea.~~
 30 ~~Redevelopment along the Areher Road corridor shall be required to~~
 31 ~~meet Concurrency Management Element streetscaping standards,~~
 32 ~~as well as take into consideration the Local Governments Manual~~
 33 ~~of Uniform Minimum Standards for Design, Construction and~~
 34 ~~Maintenance for Streets and Highways Standards,~~
 35 ~~Sec.334.0441(10)(A) and 336.045 Florida Statutes, the MTPO~~
 36 ~~Urban Design Standards for Landscaping, and GRU utility line~~
 37 ~~clearance separation standards.~~

38
 39 e. ~~Subarea 2: Subarea 2 includes approximately 49 acres and may include the~~
 40 ~~full range of commercial uses allowed in the City's Commercial Land Use~~
 41 ~~category and may include Large Scale Retail uses (as defined in Policy~~
 42 ~~4.3.6.d.). This subarea may include drive-throughs consistent with the~~
 43 ~~City's Concurrency Management Element and TCEA Zone M~~
 44 ~~requirements, or any successor regulation in effect at the time of~~

1 development plan approval. Monopole and/or camouflaged cellular towers
 2 may also be allowed, subject to the land development regulations in effect
 3 at the time of development plan approval. Automotive sales, including
 4 special event sales, are prohibited in this subarea. Residential uses shall be
 5 permitted in any combination of vertical or horizontal mix or as a stand-
 6 alone use. The following conditions shall apply to Subarea 2:

- 7
- 8 1. ~~Loading docks and outdoor uses shall be buffered from adjacent~~
 9 ~~uses outside of Butler Plaza in accordance with the landscape~~
 10 ~~buffer requirements of the City's Land Development Code.~~
- 11
- 12 2. ~~Large Scale Retail uses in this subarea may have parking facilities~~
 13 ~~located outside the front door of these retail uses. Developments~~
 14 ~~located on out parcels shall be designed with parking to the rear or~~
 15 ~~sides of buildings.~~
- 16
- 17 3. ~~The PD Zoning Ordinance shall specify standards for building~~
 18 ~~orientation, build-to lines, building articulation, glazing, parking,~~
 19 ~~garden walls, landscaping, pedestrian and transit facilities.~~
- 20
- 21 4. ~~Development shall include sidewalks, pathways, crosswalks and~~
 22 ~~pedestrian nodes that shall be integrated within the overall Butler~~
 23 ~~Plaza development to provide for a defined, interconnected system.~~
- 24
- 25 5. ~~Bicycle lanes and/or routes shall be provided from bus stops and~~
 26 ~~adjacent areas (including areas outside of Butler Plaza) to the~~
 27 ~~buildings within this subarea.~~
- 28
- 29 6. ~~This subarea shall develop consistent with the standards and~~
 30 ~~guidelines for subarea 3, including a gridded, interconnected street~~
 31 ~~network lined with street facing buildings that help to frame the~~
 32 ~~street. This shall not apply to the development of Large Scale~~
 33 ~~Retail (as defined in Policy 4.3.6.d).~~
- 34
- 35 7. ~~Development in this subarea shall establish a connected grid of~~
 36 ~~public streets, private streets and private access streets creating an~~
 37 ~~average block size of less than or equal to 1600 feet in perimeter.~~
- 38
- 39 f. ~~Subarea 3: Subarea 3 includes approximately 110 acres and may include~~
 40 ~~the full range of office uses allowed in the City's Office Land Use~~
 41 ~~category, general retail, eating places, hotels, theaters, sporting goods~~
 42 ~~stores, residential and civic spaces. Large Scale Retail uses (as defined in~~
 43 ~~Policy 4.3.6.d.) are prohibited. Gas stations, automotive sales (including~~
 44 ~~special event sales), automotive repair, and car washes are prohibited.~~

1 ~~Design standards for drive through uses shall be specified in the PD~~
2 ~~Zoning Ordinance. Residential uses shall be permitted above non-~~
3 ~~residential uses or as stand alone uses. The following conditions shall~~
4 ~~apply to subarea 3:~~

5
6 1. ~~Development within this subarea shall include the following urban~~
7 ~~design characteristics:~~

8
9 ~~• Building facades pulled up close to the street, facing the~~
10 ~~street, and generally aligned.~~

11
12 ~~• Building facades aligned to form squares or plazas.~~

13
14 ~~• Relatively high density mixed use, compactly designed to~~
15 ~~accommodate walking.~~

16
17 ~~• One to six stories shall be permitted, with a maximum~~
18 ~~height of 75 feet. At least eighty percent (80%) of the~~
19 ~~building height adjacent to the primary private street within~~
20 ~~the Towne Centre (as such area is designated in the PD~~
21 ~~Zoning Ordinance) and for all buildings along 24th Avenue~~
22 ~~shall be at least two stories or a minimum of one story of 24~~
23 ~~feet in height measured to the top of the parapet or median~~
24 ~~roof line, to create the appropriate scale and urban form.~~

25
26 ~~• First floors of buildings that incorporate levels of~~
27 ~~articulation and glazing in order to promote pedestrian~~
28 ~~interest.~~

29
30 ~~• A connected network of wide sidewalks that promotes~~
31 ~~safety, comfort and convenience for pedestrians by linking~~
32 ~~streets, parking areas, buildings, and adjacent development.~~

33
34 ~~• Shade trees along all streets.~~

35
36 ~~• Terminated vistas.~~

37
38 ~~• On street parking.~~

39
40 ~~• Off street parking located at the side or rear of buildings~~
41 ~~and away from pedestrian areas.~~

42
43 ~~• Restrictions on auto-oriented uses and uses that generate~~
44 ~~significant noise, odor, or dust.~~

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~~1. A connected grid of public streets, private streets and private access streets creating an average block size of less than or equal to 1,600 feet in perimeter. In no event shall the block perimeter length exceed 2,000 feet for a single block. These block size requirements shall not apply to shared stormwater facilities or park (active or passive recreation/open space) areas.~~

~~2. Urban design standards that ensure compatibility among the various allowed uses shall be specified in the PD Zoning Ordinance. Additional standards may be required to address noise and lighting to further assure compatibility. The PD Zoning Ordinance shall, through design and performance standards, provide a quality pedestrian experience by regulating building type, scale, overall building appearance and orientation, placement and function of parking, loading, waste disposal, access points, outdoor uses and mechanical equipment, block size, signage and landscaping.~~

~~g. General Provisions: All three subareas shall be subject to the following standards:~~

~~1. The PD Zoning Ordinance shall specify appropriate "low impact development" (LID) techniques to be implemented in Butler Plaza. Prior to second and final reading of the PD Zoning Ordinance, the owner shall provide legally enforceable documents that establish that a responsible entity 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 functionally equivalent hydrologic landscape. Reclaimed water shall be used for irrigation if and when it becomes available.~~

~~2. Prior to development plan approval within a subarea, the owner shall provide a master plan for stormwater management and open space for that entire subarea for review and subject to approval by the City. The PD Zoning Ordinance shall specify design standards for stormwater retention/detention facilities to ensure they are aesthetically pleasing, such as designed in curvilinear shapes. The owner shall dedicate, at no cost to the City, right of way or provide easements to the City for the shared stormwater facilities. Open space requirements shall be based on the entire subarea instead of specific parcel development. A minimum of twenty percent (20%) of each subarea shall be set aside as open space. Open space may~~

~~include active and passive recreational areas, natural waterways, retention/detention facilities (if designed for public use and access), open space/native habitat areas, trails and picnic areas.~~

~~3. The owner shall construct the extension of Southwest 62nd Boulevard from Archer Road to the northwesternmost extent of the PUD where subareas 2 and 3 adjoin to the specifications in the MTPD approved cross-section (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 the owner would incur 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 TCEA Zone M requirements or other transportation mitigation program requirements in effect at the time of application for development plan review for Phase 1 (as defined in the PD Zoning Ordinance of Butler Plaza. Upon completion of construction, the right of way shall be dedicated to the City. The value of the land shall be established by appraisal as of the date of the development plan approval for Phase 1. The owner, at its expense, shall obtain the appraisal and shall provide a copy of the appraisal to the City for its review and subject to its approval. If the appraisal is approved, the appraised value (less the credit described below) shall count toward meeting TCEA Zone M requirements or other transportation mitigation program requirements in effect at that time. The City shall be given credit, at the same appraised value, for any right of way that the City vacates for this road extension project. There shall be no direct access to Southwest 62nd Boulevard for out parcels, all access shall be from an internal road network and/or shared driveways. The owner shall maximize vehicular cross access connections within development areas in Butler Plaza.~~

~~4. All major and main roadways that are not public streets in the development shall be constructed and maintained at the cost and expense of the owner in accordance with City standards for public streets.~~

~~5. The PD Zoning Ordinance shall include a streetscape/landscape plan along all public and private roads in the development that is consistent with the Concurrency Management Element and Land Development Code requirements.~~

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~~6. The PD Zoning Ordinance shall include requirements, as specified by the Gainesville Regional Transit System, for conveniently located and highly visible transit stops in each subarea that include amenities for rider convenience and comfort, such as but not limited to, shelter, lighting, seating, trash receptacles and bicycle racks. In addition, the PD Zoning Ordinance shall specify the requirements (including design, size, cost and location) for the owner to construct, at its expense, a transit transfer station and a park and ride lot within subarea 2, 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 and shall be constructed, inspected and approved prior to the first certificate of occupancy being issued in subarea 2 or 3. Upon completion, the park and ride lot and the transit transfer station shall be conveyed, at no cost, to the City.~~

~~7. 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. When facing a public street, the first floor of a stand-alone parking structure shall contain office or retail uses that line at least 50% of the first floor facade or are shielded by liner building(s). Structured parking that is integrated with and connected to commercial, office, or residential buildings shall not be required to contain office or retail uses. 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.~~

~~8. In accordance with the Concurrency Management Element, the owner has coordinated with FDOT to address transportation impacts that affect FDOT facilities and has agreed to satisfy the FDOT requirements listed below. Proof of satisfying these requirements shall be provided to the City in the form of a letter or other written documents issued by the FDOT.~~

~~Upon commencement of construction of Phase 2 (as defined in the PD Zoning Ordinance), the owner shall perform an Interchange Modification Report (IMR)~~

1 consistent with FDOT IMR typical procedures. This IMR
 2 would evaluate alternatives and determine a feasible long
 3 term plan for the Archer Road (SR 24)/I-75 interchange.
 4 The cost of the IMR shall count toward meeting TCEA
 5 Zone M requirements or other transportation requirements
 6 in effect at that time.
 7

8 ~~Before issuance of the first certificate of occupancy in any~~
 9 ~~subarea, the owner shall construct, at its sole expense, a~~
 10 ~~third southbound left turn lane on the I-75 southbound off-~~
 11 ~~ramp. This may or may not require a new mast arm pole,~~
 12 ~~pending design requirements. FDOT shall provide the~~
 13 ~~existing right of way for this turn lane at no cost to the~~
 14 ~~owner. This improvement is a site-related operational and~~
 15 ~~safety modification.~~
 16

17 9. ~~The PD Zoning Ordinance shall specify operational and safety~~
 18 ~~modifications required due to impacts on transportation facilities.~~
 19 ~~Consistent with the Concurrence Management Element,~~
 20 ~~operational and safety impacts that are site related shall not count~~
 21 ~~toward meeting the Concurrence Management Element Zone M~~
 22 ~~requirements or other transportation mitigation program in effect at~~
 23 ~~the time.~~
 24

25 10. ~~Butler Plaza shall provide both internal and external transportation~~
 26 ~~connections to surrounding development.~~
 27

28 11. ~~Transportation mitigation shall be required consistent with Zone M~~
 29 ~~requirements as shown in the Concurrence Management Element~~
 30 ~~or any successor regulation in effect at the time of any~~
 31 ~~development plan approval. Prior to the second and final reading of~~
 32 ~~the PD Zoning Ordinance, the owner shall sign a TCEA Zone M~~
 33 ~~Agreement or other transportation mitigation program agreement in~~
 34 ~~effect at that time and meet required standards, at a minimum, for~~
 35 ~~Phase 1 (as defined in the PD Zoning Ordinance) of Butler Plaza.~~
 36 ~~The timing of additional agreements shall be specified in the PD~~
 37 ~~Zoning Ordinance.~~
 38

39 12. ~~The owner shall dedicate at least 90 feet and up to 100 feet of~~
 40 ~~right of way to the City along the southern edge of SW 1 (as~~
 41 ~~depicted in the PD Zoning Ordinance) and 90 feet from the~~
 42 ~~southeastern corner of SW1 to Southwest 42nd Street. Appropriate~~
 43 ~~temporary construction easements shall be provided at no cost to~~
 44 ~~the City. The value of the land shall be established by appraisal as~~

1 of the date of the final adoption of the PD Zoning Ordinance. The
 2 owner, at its expense, shall obtain the appraisal and shall provide a
 3 copy of the appraisal to the City for its review and subject to its
 4 approval. If the appraisal is approved, the appraised value of the
 5 land shall count toward meeting required TCEA Zone M
 6 requirements. A 2-lane roadway, with bike lanes and sidewalks
 7 shall be constructed by owner, along this section, connecting
 8 Southwest 40th Boulevard to Southwest 42nd Street. In lieu of a
 9 sidewalk, a 12-foot multi-use path may be constructed along this
 10 section. Upon completion of construction, the right of way and
 11 road improvements shall be dedicated to the City. The roadway
 12 improvements along the southern edge of SW 1 shall count toward
 13 meeting TCEA Zone M requirements or other transportation
 14 mitigation program requirements in effect at the time of application
 15 for development plan review for Phase 1 (as defined in the PD
 16 Ordinance) of Butler Plaza. The road improvements from the
 17 southeastern corner of SW1 to Southwest 42nd Street shall be
 18 constructed at the sole expense of the owner. Future connectivity is
 19 envisioned to the Alachua County's proposed Southwest 30th
 20 Avenue I-75 Bridge project shown in the County's Capital
 21 Improvements Element. The County's proposed cross-section for
 22 the roadway consists of a two-lane divided roadway with bike
 23 lanes, two dedicated lanes for rapid transit and a 12-foot multi-use
 24 path.
 25

26 13. The owner shall allow Alachua County to use the stormwater areas
 27 within subarea 2 for staging for construction of the County's
 28 Southwest 30th Avenue I-75 Bridge; provided the County agrees to
 29 return the stormwater area to its preexisting condition upon
 30 completion of Southwest 30th Avenue I-75 Bridge or to modify it,
 31 if such modification is agreed to by the City, owner and the
 32 County.
 33

34 14. Butler Plaza shall maximize pedestrian/bicycle connections among
 35 all uses, subareas, and external areas, and shall maximize
 36 pedestrian safety and comfort. Bicycle racks shall be located close
 37 to the main building entrances. Pedestrian facilities shall link
 38 streets, buildings, parking and open space areas within and among
 39 the subareas. A network of sidewalks and street trees shall be
 40 provided on all internal streets (public and private). Sidewalks and
 41 pathway connections shall be made from the internal pedestrian
 42 system to the public right of way adjoining the Planned Use
 43 District.
 44

1 4.3.6 This policy shall regulate the Planned Use District (PUD) known as the “Butler
 2 Development.” The Butler Development PUD, including its division into four (4)
 3 subareas, is depicted on the map titled “Butler Development PUD Future Land Use
 4 Overlay” in the Future Land Use Map Series located in this element. The properties
 5 within the Butler Development PUD have underlying future land use categories as shown
 6 on the map titled “Butler Development Underlying Future Land Use” in the Future Land
 7 Use Map Series located in this element.

8
 9 Comprehensive Plan policies of general applicability shall apply to the Butler
 10 Development PUD. In the event of express conflict or inconsistency between the general
 11 Comprehensive Plan policies and any specific policies as set forth below, the specific
 12 policies shall govern.

13
 14 a. The following conditions shall apply to the entirety of the Butler Development
 15 PUD:

16
 17 1. The properties within subareas 1, 2, 3, and 4 shall be designated PUD on
 18 the Future Land Use Map.

19
 20 2. The allowable uses and maximum levels of intensity, which may be
 21 allocated to any of the four (4) subareas, shall be as follows:

22
 23 Commercial uses: 2,500,408 square feet
 24 Office uses: 250,000 square feet
 25 Hotel / Motel uses: 500 rooms
 26 Multi-Family Residential uses: 1,000 units

27
 28 The specific allowable uses and development program shall be specified in
 29 the Planned Development (PD) zoning ordinance.

30
 31 3. The maximum cumulative development program for Butler Development
 32 (including existing development, new development and redevelopment)
 33 shall be limited to a maximum trip generation not to exceed 37,591
 34 average daily trips. There are 12,224 average daily trips associated with
 35 the existing development as documented in the traffic study.

36
 37 4. Multi-family residential uses shall be permitted in any combination of
 38 vertical or horizontal mix or as a stand-alone use. 20% of the multi-family
 39 residential units constructed, whether rental or owner-occupied, shall be
 40 affordable housing units for workforce housing as defined in Section
 41 380.0651(3)(h), F.S., or moderate-income, low-income or very low-
 42 income persons or households as those terms are defined in the City’s
 43 Local Housing Assistance Program (LHAP). The affordability of such
 44 units shall be maintained for a period of 10 years following construction.

1 shall run with the land, and shall be enforceable by the City through
2 recorded covenants or restrictions.

3
4 5. Maximum building height shall be eight (8) stories.

5
6 6. Development and redevelopment within the Butler Development PUD
7 shall require Low Impact Development (LID) techniques. Prior to final
8 development plan approval, the owner/developer shall provide legally
9 enforceable documents establishing a responsible entity to permanently
10 provide maintenance of the LID functional landscape. LID is a site design
11 strategy for maintaining or replicating the pre-development hydrologic
12 regime through the use of design techniques that create functionally
13 equivalent hydrologic landscape. Reclaimed water shall be used for
14 irrigation if and when it becomes available.

15
16 7. Stormwater management facilities shall be aesthetically pleasing and shall
17 meet the requirements of the City's Engineering Design and Construction
18 Manual. The owner/developer shall, at no cost to the City, dedicate right-
19 of-way or provide easements to the City for the shared stormwater
20 facilities.

21
22 8. Prior to the first final development plan being approved in either Subarea 1
23 or Subarea 2, a master plan for stormwater management and open space
24 for the entire Butler Development PUD shall be provided, subject to
25 approval by the City. This master plan shall include the written consent of
26 all property owners within the Butler Development PUD.

27
28 9. Design standards specified in the PD zoning ordinance shall address:
29 building orientation, build-to lines, building articulation, glazing, parking,
30 garden walls, landscaping, pedestrian and transit facilities, a gridded,
31 interconnected street network and limitations on the maximum size of
32 single-occupant, single-story buildings.

33
34 10. Development shall include sidewalks, pathways, crosswalks and
35 pedestrian nodes that shall be integrated within the overall Butler
36 Development PUD to provide for a defined, interconnected system.

37
38 11. Redevelopment shall be consistent with the Comprehensive Plan policies
39 that encourage the conversion of conventional shopping centers into more
40 traditional, walkable centers.

41
42 12. Properties located outside of the Butler Development PUD shall be
43 buffered from loading docks and outdoor uses that are within the Butler
44 Development PUD.

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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.

- 1 16. Structured parking that fronts on public streets shall be designed to include
2 office or commercial uses on the first floor. Structured parking that is
3 integrated with and connected to commercial, office, or multi-family
4 residential buildings shall not be required to contain office or retail uses on
5 the first floor. Integrated/connected parking structures shall meet design
6 standards specified in the PD zoning ordinance to ensure that building
7 facades have sufficient articulation, especially on the ground floor level.
8
9 17. The PD zoning ordinance shall be consistent with the City's transportation
10 mobility policies as adopted in the Comprehensive Plan.
11
12 18. Pedestrian/bicycle safety and comfort and pedestrian/bicycle connections
13 among all uses, subareas, and external areas shall be maximized
14 throughout the Butler Development PUD. Bicycle racks shall be located
15 close to the main building entrances. Pedestrian facilities shall link streets,
16 buildings, parking and open space areas within and among the subareas. A
17 network of sidewalks and street trees shall be provided on all internal
18 streets (public and private). Sidewalks and pathway connections shall be
19 made from the internal pedestrian system to the public right-of-way
20 adjoining the Butler Development PUD.
21
22 19. Bicycle lanes and/or routes shall be provided to all bus stops and buildings
23 within the Butler Development PUD as well as to bus stops and
24 development adjacent to the Butler Development PUD.
25
26 20. Parking requirements may be reduced below the required parking
27 standards in the Land Development Code to encourage alternative modes
28 of travel and to reduce the amount of surface parking. Parking spaces
29 provided in a parking structure shall not count against the maximum
30 number of allowable parking spaces when the parking structure is
31 replacing surface parking area.
32
33 21. The Butler Development PUD shall include internal transportation
34 connections within the Butler Development PUD as well as external
35 transportation connections to development adjacent to the Butler
36 Development PUD.
37
38 22. All private streets shall be constructed and maintained at the cost and
39 expense of the owner in accordance with City standards for public streets.
40 Main streets in town centers and maneuvering lanes shall not be required
41 to be built to public street standards.
42
43 23. Maneuvering lanes shall be allowed in all subareas and shall contribute to
44 the internal grid-system framework. Maneuvering lanes shall be defined

1 as vehicle use areas that connect off-street parking areas and that provide
2 sidewalks and street trees on at least one side. On the side of a
3 maneuvering lane that includes sidewalks and street trees, perpendicular
4 vehicular access to parking areas shall be separated by at least 180 feet as
5 measured from centerline to centerline in order to enhance pedestrian
6 comfort and safety. If a sidewalk and street trees are provided on only one
7 side of a maneuvering lane, parking shall be allowed along only one side.
8 If a sidewalk and street trees are provided on both sides of a maneuvering
9 lane, parking shall be allowed along both sides.

- 10
- 11 24. Transportation mitigation shall be required consistent with the TCEA
12 Zone M Agreement executed on January 3, 2012 (as modified by the
13 Addendum executed November 29, 2012). The timing of additional
14 agreements shall be specified in the PD zoning ordinance.
- 15
- 16 25. The Butler Development PUD shall provide operational and safety
17 modifications required due to impacts on transportation facilities.
18 Modifications required for operational and safety impacts that are site
19 related shall not count toward meeting the agreed upon transportation
20 requirements in the TCEA Zone M Agreement executed on January 3,
21 2012 (as modified by the Addendum executed November 29, 2012).
- 22
- 23 26. The PD zoning ordinance shall define the construction timeframe, design
24 details, and extent of the SW 62nd Boulevard extension through the Butler
25 Development PUD consistent with the intent of the MTPO design
26 elements (alternative 4B-3) dated March 2, 2009. The incremental cost of
27 construction (i.e., the cost of construction that is above and beyond the
28 cost that would be incurred to construct a private 3-lane access drive per
29 City standards, including sidewalks and bike lanes) calculated based on the
30 Florida Department of Transportation generic cost per mile shall count
31 toward meeting the agreed upon transportation requirements in the TCEA
32 Zone M Agreement executed on January 3, 2012 (as modified by the
33 Addendum executed November 29, 2012). Upon completion of
34 construction, the right-of-way shall be dedicated to the City subject to
35 inspection and approval by the City. Within 90 days following the date of
36 final adoption of the PD zoning ordinance, S. Clark Butler Properties,
37 LTD., and its successors and assigns, shall at its expense obtain an
38 appraisal of the land and shall provide a copy of the appraisal to the City
39 for its review and approval. If the appraisal is approved, the appraised
40 value (less the appraised value for any right-of-way that the City vacates
41 for this road extension project) shall count toward meeting the agreed
42 upon transportation requirements in the TCEA Zone M Agreement
43 executed on January 3, 2012 (as modified by the Addendum executed
44 November 29, 2012). There shall be no direct access to the Southwest 62nd

1 Boulevard extension for outparcels; all access shall be from an internal
2 road network and/or shared driveways.

3
4 27. Vehicular cross-access connections within development areas shall be
5 maximized throughout the Butler Development PUD.

6
7 28. The PD zoning ordinance shall allow the Gainesville Regional Transit
8 System to review all development plans affecting transit routes for the
9 potential addition of new transit stops or improvements to existing transit
10 facilities. In addition, the PD zoning ordinance or a Transit Transfer
11 Station Agreement shall specify the requirements (including design, size,
12 cost, timing of completion and location) for S. Clark Butler Properties,
13 LTD., and its successors and assigns, to construct, at its expense, a transit
14 transfer station and a park and ride lot within the Butler Development
15 PUD, as approved by the Gainesville Regional Transit System. The park
16 and ride lot shall provide at least 50 park-and-ride spaces in one location
17 for transit users. The transit transfer station shall include restroom
18 facilities, bicycle storage, a route map kiosk, and bays for a minimum of
19 six (6) buses. Upon completion, the park and ride lot and the transit
20 transfer station improvements and associated land shall be conveyed to the
21 City at no cost.

22
23 29. In accordance with the PD zoning ordinance, S. Clark Butler Properties,
24 LTD., and its successors and assigns, shall coordinate with FDOT to
25 address transportation impacts that affect FDOT facilities and satisfy the
26 FDOT requirements listed below. Proof of satisfying these requirements
27 shall be provided to the City in the form of a letter or other written
28 documents issued by the FDOT.

29
30 (a). The PD zoning ordinance shall establish thresholds and a
31 timeframe for the completion of an Interchange Modification
32 Report (IMR) consistent with FDOT IMR typical procedures.
33 This IMR would evaluate alternatives and determine a feasible
34 long term plan for the Archer Road (SR 24)/I-75 interchange. The
35 cost of the IMR shall count toward meeting the agreed upon
36 transportation requirements in the TCEA Zone M Agreement
37 executed on January 3, 2012 (as modified by the Addendum
38 executed November 29, 2012).

39
40 (b). Prior to issuance of the first certificate of occupancy (CO) for any
41 new building in Subarea 1 or 2 or issuance of certificates of
42 occupancy for net, new additional square footage associated with
43 development or redevelopment in Subareas 3 or 4 that
44 cumulatively result in 500 net, new p.m. peak hour trips of adjacent

street traffic as calculated using the latest edition of the ITE Trip Generation Manual, S. Clark Butler Properties, LTD., and its successors and assigns, shall:

(i) Construct a third southbound left turn lane at the Archer Road / I-75 interchange, subject to review and approval by the Florida Department of Transportation (FDOT); or

(ii) Execute an agreement with FDOT that includes payment from S. Clark Butler Properties, LTD., and its successors and assigns, to the FDOT to construct or have constructed the appropriate Archer Road / I-75 interchange modifications as determined by FDOT staff.

This improvement is a site-related operational and safety modification.

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 30th Avenue from SW 40th Boulevard to SW 42nd Street. The PD zoning ordinance shall also include design and timing requirements for connection of this road segment to the proposed SW 30th 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 30th Avenue between SW 40th Boulevard and SW 42nd 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 30th Avenue improvements between SW 40th Boulevard and SW 42nd 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 1. Development in this subarea shall establish a connected grid of public
2 streets, private streets, and maneuvering lanes with a maximum block size
3 of 3,200 feet in perimeter. Property boundaries adjacent to the PUD may
4 be used to establish one or more sides of a block. The block size
5 requirement shall not apply to shared stormwater facilities or park areas
6 (active or passive recreation/open space).
7
8 2. A minimum of 20% of Subarea 1 shall be designated as open space. This
9 open space requirement shall be based on the entire subarea rather than
10 specific parcel development. Open space may include, but is not limited
11 to, stormwater management facilities when the perimeter includes public
12 space or amenities such as parks, trails or paths, landscape or hardscape,
13 plazas, squares, public commons, and/or open-air malls.
14
15 3. Large scale retail uses (defined for purposes of the Butler Development
16 PUD as a retail use with a single-story building footprint that exceeds
17 100,000 square feet) in this subarea may have parking facilities located
18 outside the front door of these retail uses.
19
20 c. Subarea 2. In addition to the conditions that apply to the entirety of the Butler
21 Development PUD, the following additional conditions shall apply to Subarea 2:
22
23 1. Design standards specified in the PD zoning ordinance shall establish a
24 development pattern that is compatible with and transitions appropriately
25 to the nearby Urban Village.
26
27 2. This subarea shall contain a connected grid of public streets, private
28 streets, and maneuvering lanes with a maximum block size of 2,000 feet in
29 perimeter. Property boundaries adjacent to the PUD may be used to
30 establish one or more sides of a block. The block size requirement shall
31 not apply to shared stormwater facilities or park areas (active or passive
32 recreation/open space).
33
34 3. A minimum of 20% of Subarea 2 shall be designated as open space. This
35 open space requirement shall be based on the entire subarea rather than
36 specific parcel development. Open space may include, but is not limited
37 to, stormwater management facilities when the perimeter includes public
38 space or amenities such as parks, trails or paths, landscape or hardscape,
39 plazas, squares, public commons, and/or open-air malls.
40
41 4. Off-street parking shall not be located in front of buildings that front on
42 SW 24th Avenue. The location of off-street parking on other streets shall
43 be regulated by the PD zoning ordinance.
44

1 d. Subarea 3. In addition to the conditions that apply to the entirety of the Butler
2 Development PUD, the following additional conditions shall apply to Subarea 3:
3

4 1. All new development and redevelopment of existing buildings within
5 Subarea 3 shall meet the design standards established in the PD zoning
6 ordinance. The PD zoning ordinance shall establish a threshold that limits
7 new development building square footage in Subareas 1 and 2 until a
8 minimum amount of new square footage consistent with the town center
9 design standards is under construction in Subarea 3.

10
11 2. Development within Subarea 3 shall meet the following design standards,
12 as may be more particularly described in the PD zoning ordinance:
13

14 (a). Standards that ensure compatibility among allowable uses and that
15 provide a quality pedestrian experience by regulating building type,
16 scale, overall building appearance and orientation, loading, waste
17 disposal, access points, outdoor uses and mechanical equipment,
18 signage and landscaping, and location of parking.
19

20 (b). A connected grid of public streets, private streets, and maneuvering
21 lanes with a maximum block size of 2,000 feet in perimeter. The
22 block size requirement shall not apply to shared stormwater
23 facilities or park areas (active or passive recreation/open space).
24

25 (c). A connected network of wide sidewalks that promotes safety,
26 comfort, and convenience for pedestrians by linking streets,
27 parking areas, buildings, and adjacent development.
28

29 (d). Compact design to encourage and accommodate walking.
30

31 (e). Building facades that are close to and facing the street, and
32 generally aligned.
33

34 (f). Shade trees along all public and private streets in accordance with
35 Comprehensive Plan policies.
36

37 (g). First floors of buildings shall incorporate levels of articulation and
38 glazing to promote pedestrian interest.
39

40 (h). Terminated vistas.
41

42 (i). On-street parking where feasible and appropriate to building area
43 and street type.
44

(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.

- 1 4. Redevelopment shall include pedestrian pathways from the street to the
 2 fronts of buildings and to adjacent development as necessary to provide
 3 safe, direct and convenient access to building entrances and off-street
 4 parking. The pedestrian routes shall be direct and shall minimize potential
 5 conflicts with vehicles. For pedestrian safety and comfort, where a
 6 pedestrian route must proceed alongside or cross a parking lot or driveway,
 7 a separate path shall be provided with buffer landscaping and other
 8 amenities. In lieu of a separate path, a highly visible crosswalk made of
 9 materials acceptable to the City and that provides a strong visual contrast
 10 between the pedestrian area and vehicular surface may be used.
- 11
- 12 5. A streetscape plan shall be required in conjunction with redevelopment
 13 plans for this subarea. Redevelopment along the Archer Road corridor
 14 shall be required to meet Comprehensive Plan streetscaping standards, as
 15 well as take into consideration the Local Governments Manual of Uniform
 16 Minimum Standards for Design, Construction and Maintenance for Streets
 17 and Highways Standards, Subsection 334.044(10) (A), F.S., and Section
 18 336.045, F.S., the MTPO Urban Design Standards for Landscaping, and
 19 GRU utility line clearance separation standards.
- 20
- 21 6. The PD zoning ordinance shall specify the details and timeframe for the
 22 dedication of additional right-of-way along both sides of the SW 62nd
 23 Boulevard extension from Archer Road to Windmeadows Boulevard as
 24 redevelopment occurs within this subarea that is adjacent to the extension.
 25 The value of the right-of-way shall be established by an appraisal that is
 26 submitted for review concurrent with an application for development plan
 27 review for development that is adjacent to the extension. S. Clark Butler
 28 Properties, LTD., and its successors and assigns, shall obtain the appraisal,
 29 at its sole expense, and shall provide a copy to the City for review and
 30 approval. If the appraisal is approved by the City, the appraised value shall
 31 count toward meeting the transportation mobility program requirements in
 32 effect at the time of development plan approval of the redevelopment. The
 33 credit for transportation mitigation shall not be given until the dedication
 34 occurs.
- 35

36 **Section 4.** A Planned Development (PD) zoning ordinance is required to implement the

37 PUD land use overlay, and must be adopted by the City Commission within 18 months of the
 38 effective date of this amendment as provided in Section 10 of this ordinance. The underlying
 39 future land use categories of the properties as depicted on the map titled "Butler Development
 40 Underlying Future Land Use" in Exhibit "A" and made a part hereof are neither abandoned nor

1 repealed; such categories are inapplicable as long as the property is developed and used in
2 accordance with the implementing PD zoning ordinance. If the aforesaid time period expires
3 without the adoption of an implementing PD zoning ordinance, the PUD land use overlay and its
4 policies shall automatically be null and void and of no further force and effect and shall be
5 ministerially removed from the Future Land Use Map and from the Future Land Use Element of
6 the Comprehensive Plan, leaving the underlying land use categories in place. A written request
7 for an extension that is filed with the Clerk of the Commission prior to the expiration date shall
8 toll the expiration date until final City Commission action on the extension application.

9 **Section 5.** It is the intent of the City Commission that the provisions in Sections 1
10 through 3 shall become and be made a part of the City of Gainesville Comprehensive Plan and
11 that the sections and paragraphs of this ordinance may be renumbered in order to accomplish
12 such intentions.

13 **Section 6.** The City Manager or designee is authorized and directed to make the
14 necessary changes to the text, maps and other data in the City of Gainesville Comprehensive
15 Plan in order to comply with this ordinance.

16 **Section 7.** Within ten (10) working days of the transmittal (first) hearing, the City
17 Manager or designee is authorized and directed to transmit this plan amendment and appropriate
18 supporting data and analyses to the reviewing agencies and to any other local government or
19 governmental agency that has filed a written request for same with the City. Within ten (10)
20 working days of the adoption (second) hearing, the City Manager or designee is authorized and
21 directed to transmit this plan amendment and appropriate supporting data and analyses to the

1 state land planning agency and any other agency or local government that provided timely
2 comments to the City.

3 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance
4 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
5 finding shall not affect the other provisions or applications of this ordinance that can be given
6 effect without the invalid or unconstitutional provision or application, and to this end the
7 provisions of this ordinance are declared severable.

8 **Section 9.** All ordinances or parts of ordinances in conflict herewith are to the extent of
9 such conflict hereby repealed on the effective date of this plan amendment.

10 **Section 10.** This ordinance shall become effective immediately upon adoption; however,
11 the effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
12 amendment is not timely challenged, shall be 31 days after the state land planning agency notifies
13 the City that the plan amendment package is complete in accordance with Section 163.3184, F.S.
14 If timely challenged, this amendment shall become effective on the date the state land planning
15 agency or the Administration Commission enters a final order determining this adopted
16 amendment to be in compliance with Chapter 163, F.S. No development orders, development
17 permits, or land uses dependent on this amendment may be issued or commenced before this plan
18 amendment has become effective.

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PASSED AND ADOPTED this _____ day of _____, 2013

EDWARD B. BRADDY
MAYOR

Attest:

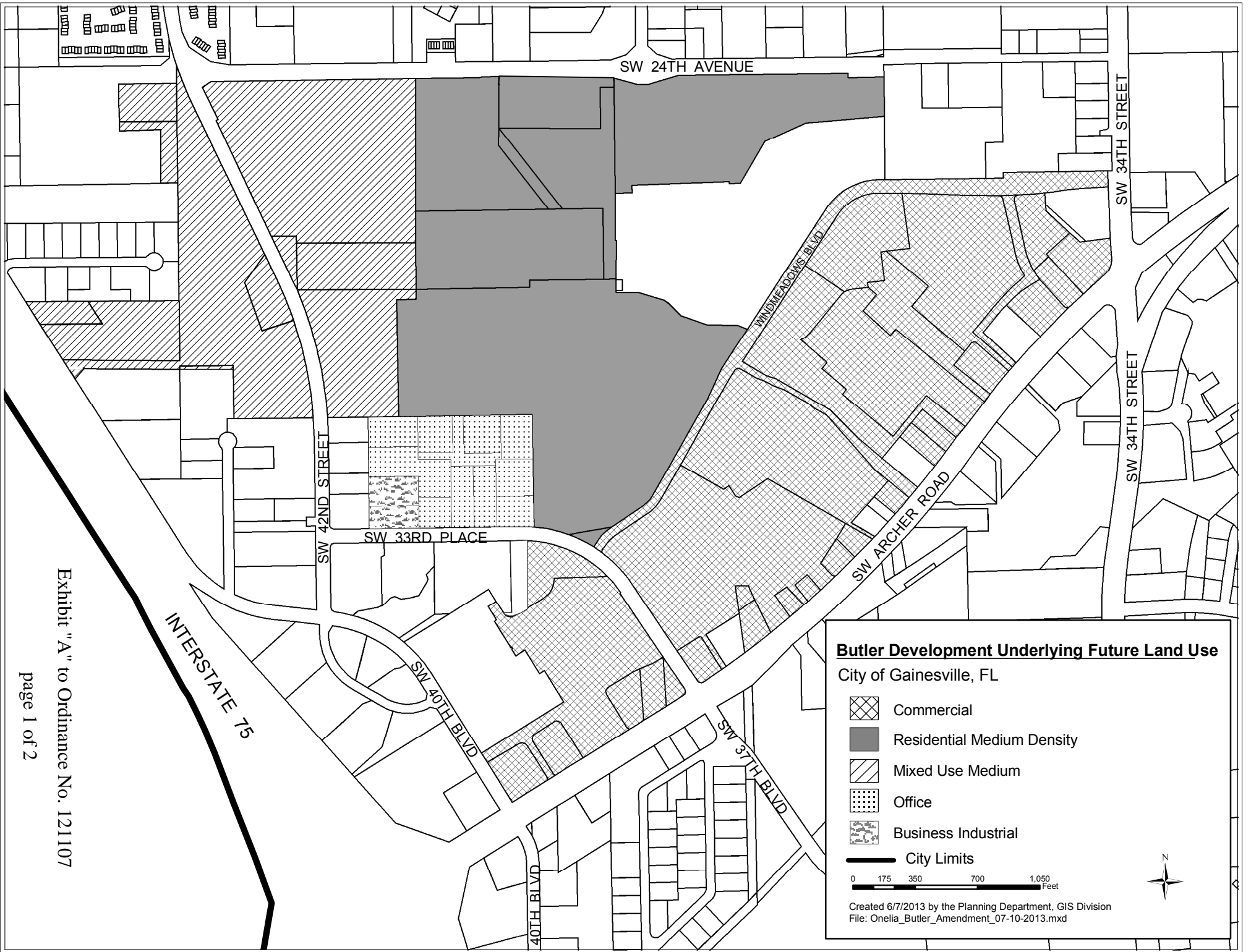
Approved as to form and legality:

By: _____
KURT LANNON
CLERK OF THE COMMISSION

By: _____
NICOLLE M. SHALLEY
CITY ATTORNEY






This ordinance passed on first reading this _____ day of _____, 2013.

This ordinance passed on second reading this _____ day of _____, 2013.

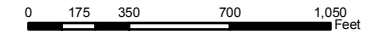


Butler Development Underlying Future Land Use

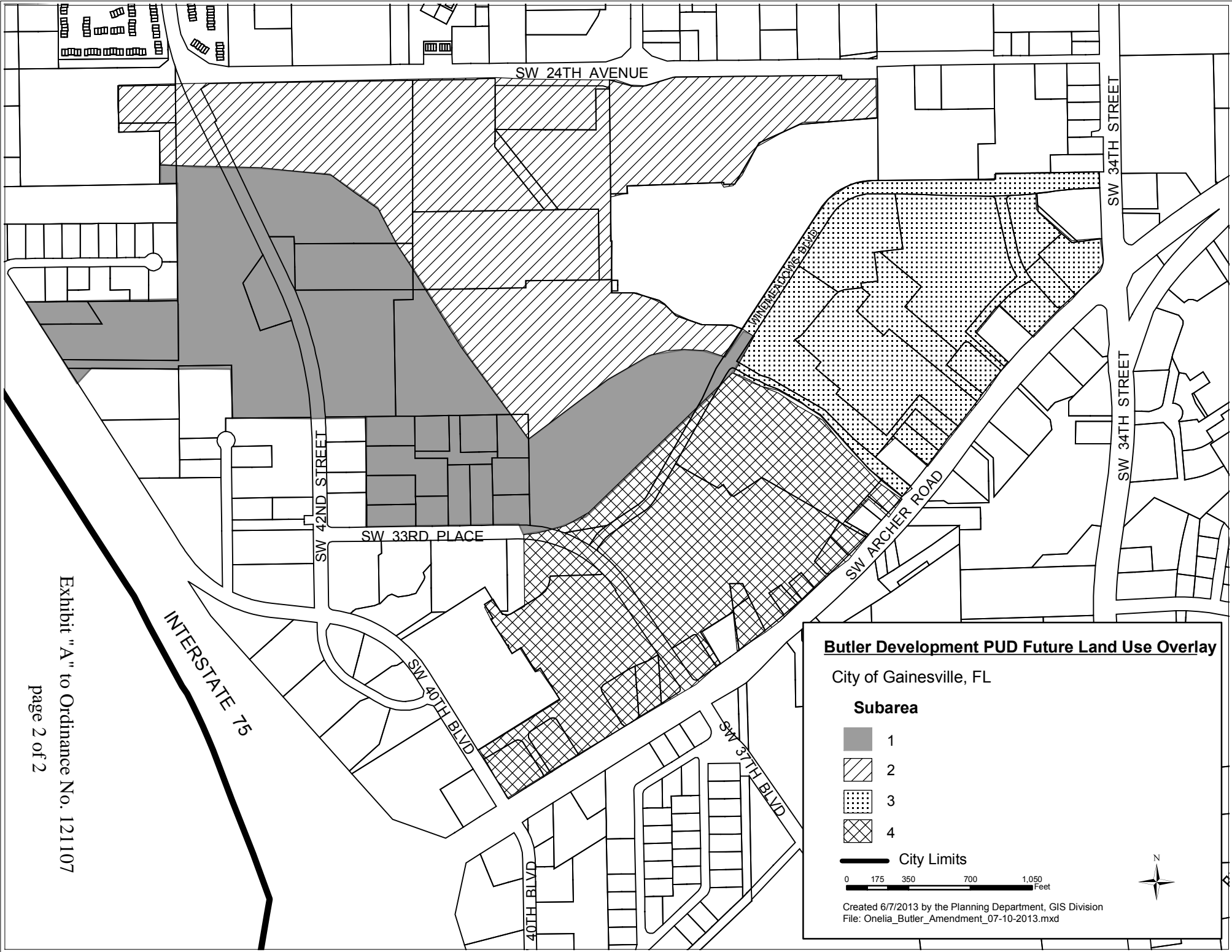
City of Gainesville, FL

-  Commercial
-  Residential Medium Density
-  Mixed Use Medium
-  Office
-  Business Industrial

 City Limits







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 File: Onelia_Butler_Amendment_07-10-2013.mxd



Butler Development PUD Future Land Use Overlay
 City of Gainesville, FL

Subarea

-  1
-  2
-  3
-  4

City Limits

0 175 350 700 1,050 Feet

Created 6/7/2013 by the Planning Department, GIS Division
 File: Onelia_Butler_Amendment_07-10-2013.mxd