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2 **ORDINANCE NO. 060106**
3 **0-06-86**
4

5 **An Ordinance of the City of Gainesville, Florida; rezoning**
6 **certain lands in the City, as more specifically described**
7 **in this Ordinance, and amending the Zoning Map Atlas**
8 **from the zoning categories of "MU-2: 12-30 units/acre**
9 **mixed use medium intensity" and "BUS: General**
10 **business district" to zoning category of "Planned**
11 **Development District"; located in the vicinity of 2306**
12 **Southwest 13th Street; adopting a development plan**
13 **report and development plan maps; providing**
14 **conditions and restrictions; providing for enforcement**
15 **and penalties; providing a severability clause; and**
16 **providing an immediate effective date.**
17

18
19 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of
20 a public hearing was given that the Zoning Map Atlas be amended by rezoning certain
21 property from the zoning categories of "MU-2: 12-30 units/acre mixed use medium
22 intensity" and "BUS: General business district" to the zoning category of "Planned
23 Development District"; and

24 **WHEREAS**, notice was given and publication made as required by law of a public hearing
25 which was then held by the City Plan Board on June 15, 2006; and

26 **WHEREAS**, notice was given and publication made of a public hearing which was then held
27 by the City Commission on August 14, 2006; and

28 **WHEREAS**, the City Commission finds that the rezoning to the Planned Development
29 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

30 **WHEREAS**, at least ten (10) days notice has been given once by publication in a
31 newspaper of general circulation prior to the adoption public hearing notifying the public of this

1 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
2 City Hall, in the City of Gainesville; and

3 **WHEREAS**, pursuant to law, notice has also been given by mail to the property
4 owners whose land will be regulated by the adoption of this Ordinance and interested parties, at least
5 ten days prior to adoption of this ordinance; and

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

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

10 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by
11 rezoning the following described property from the zoning categories of "'MU-2: 12-30
12 units/acre mixed use medium intensity" and "BUS: General business district" to the
13 zoning category of "Planned Development District";

14 See Exhibit "A" attached hereto and made a
15 part hereof as if set forth in full.
16

17 **Section 2.** The City Manager or designee is authorized and directed to make the
18 necessary change in the Zoning Map Atlas to comply with this Ordinance.

19 **Section 3.** The Development Plan attached to this Ordinance, which consists of the
20 following:

- 21 1. the development plan report entitled "Lakeshore Planned Development
22 (PD) Report", dated October 2006, attached and identified as Exhibit "B".

2. development plan maps consisting of 2 sheets: 1) "Existing Conditions Map" dated April 12, 2006 and; 2) "PD Layout Plan Map", dated September 14, 2006; identified as Exhibit "C", are incorporated and made a part of this Ordinance as if set forth in full.

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

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

1. Sidewalks shall be provided between the residential buildings, the new residential building and the existing recreation area, the new residential building and the sidewalk along Southwest 13th Street, and the existing residential building and the new recreation area to the west.
2. The development must provide for sidewalk connections between the development and sidewalk along Southwest 13th Street. Development must provide at least 5 feet of unobstructed width for all sidewalk connections from the development to the public

sidewalk, in accordance with Policy 2.1.16 of the Transportation Mobility Element of the Comprehensive Plan.

3. During development plan review, all existing development adjacent to wetland areas will be delineated and the wetland setback will be maintained to the greatest extent possible, subject to the approval of the appropriate reviewing board or staff, as applicable.
4. Wetland areas shall be protected from further encroachment that has already occurred from existing development. This may include physical barriers or other effective measures determined during development review, subject to approval of the appropriate reviewing board or staff, as applicable.
5. The development shall propose landscaping on the west side of the property to achieve a compatible relationship between the building, access way, and adjacent residential and pedestrian walkways, subject to approval of the appropriate reviewing board or staff, as applicable.
6. Surface off-street parking shall not exceed one (1) parking space per bedroom.
7. Where new vehicular use areas exist adjacent to residential areas to the north and south of the Development, a 15-foot landscape buffer shall be provided with appropriate screening or fence material, at development plan review, subject to approval of the appropriate reviewing board or staff, as applicable.
8. The setbacks for construction of the new tower shall be a minimum of 65 feet from the north and south property lines.

- 1 9. Transmitter towers shall be allowed only in accordance with Section 30-98 of the City
2 of Gainesville's Land Development Code:
- 3 10. The Development must provide an internal pedestrian and bicycle circulation plan that
4 is safe, accessible, efficient and clearly separated from vehicular use circulation, subject
5 to approval of the appropriate reviewing board or staff, as applicable. Pedestrian and
6 bicycle circulation shall be linked to the external pedestrian network.
- 7 11. Area "E" land use designated on the Planned Development Layout map (Sheet 2 of
8 Exhibit "C") shall permit only the following uses: Pedestrian, Bicycle, Stormwater
9 management, Wetland Buffer and Passive and Active Recreation.
- 10 12. The area of the subject property within the S.W. 13th Street Special Area Plan may
11 develop a maximum of 5,000 square feet of commercial as allowed in the BUS zoning
12 district of the City's Land Development Code.
- 13 13. One access point is allowed onto Southwest 13th Street, subject to approval of the
14 appropriate reviewing board or staff, as applicable. Design and turning movements
15 shall be subject to traffic analysis and Florida Department of Transportation (FDOT)
16 requirements.
- 17 14. During development plan review, City Manager or designee shall determine whether a
18 bus shelter is needed to meet concurrency. If a bus shelter is needed, it shall be
19 provided at the developer's expense and shall be designed in accordance with the
20 requirements of the City's Regional Transit System, to be compatible and
21 complimentary to the architectural forms and styles of the development and wall.

- 1 15. The façade and orientation of the ground level buildings and infrastructure shall provide
2 architectural relief, garden walls, landscaping, streetscape and compatible hardscape
3 that will be consistent with the intent of the Southwest 13th Street Special Area Plan.
4 A three-foot architecturally compatible wall shall be provided within the area forward
5 of the build-to line. The design is to achieve 75% opacity, except where specifically
6 addressed. The criteria and design shall be determined during development review,
7 subject to approval of the appropriate reviewing board or staff, as applicable.
- 8 16. Except as specifically provided in this Ordinance, the Development shall be regulated in
9 accordance with the provisions of RH-2 zoning district of the City's Land Development
10 Code.
- 11 17. Floors above three stories shall incorporate architectural design to provide the existing
12 and proposed buildings with a prominent façade towards Southwest 13th Street,
13 subject to approval of the appropriate reviewing board or staff, as applicable.
- 14 18. Future development within the SW 13th Street Special Area Plan shall be in
15 accordance with development standards of the Southwest 13th Street Special Area
16 Plan, except as modified by this Ordinance.
- 17 19. The development shall be required to landscape the adjacent median consistent with the
18 S.W. 13th Street Special Area Plan.
- 19 20. Vehicular use areas, and those areas for vehicular storage or parking of vehicles shall
20 have no more than a double row of parking within 40 feet of the east property line.
- 21 21. Maximum lot coverage shall not exceed 50%, and maximum building height for area B
22 (see Sheet 2 of Exhibit "C") is limited to 14 stories. Maximum building height for area

F (see Sheet 2 of Exhibit "C") is limited to 5 stories by right and up to 8 stories by Special Use Permit.

22. The maximum density for this Development shall not exceed 50 dwelling units per acre.

23. In order to preserve and protect the buffer area on the west of the subject property, prior to second and final reading, the owner/developer shall convey to the City of Gainesville, its successors and assigns a conservation easement over the wetland portions of the property to the west as shown on the PD Layout Plan Map (Exhibit "C") as "50' Buffer and Proposed Conservation Easement". The Easement shall prohibit or limit the following:

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.

(b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.

(c) Removal or destruction of trees, shrubs, or other vegetation.

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

(g) Acts or uses detrimental to such retention of land or water areas.

1 (h) Acts or uses detrimental to the preservation of the structural integrity or physical
2 appearance of sites or properties of historical, architectural, archaeological, or cultural
3 significance.

4 In the event the development order approving this planned development expires and
5 becomes null and void as provided in paragraph 29, then and in this event, the
6 conservation easement shall automatically cease and terminate.

7 24. The owner/developer will coordinate with the City of Gainesville City Arborist or
8 designee during development plan review the identification of trees for removal, if any,
9 as well as landscaping and buffer requirements, subject to approval of the appropriate
10 reviewing board or staff, as applicable.

11 25. An invasive exotics species plan will be submitted by the owner/developer at the time
12 of filing for development plan review. This plan must include appropriate financial
13 bonding and monitoring plan for a minimum of three (3) years.

14 26. All development must comply with requirements of the wetlands and environmental
15 ordinances, statutes and regulations during development review.

16 27. As part of the final development plan review, all wetlands shall be delineated. The
17 owner/developer shall provide information from the Florida Fish and Wildlife
18 Conservation Commission related to activity status of the eagle's nest.

19 28. Sidewalks shall be provided to connect the adjacent developments to the west, east and
20 south, and shall be hard surfaced and may vary in width between 5 feet to 10 feet,
21 depending on location and function, subject to approval of the appropriate reviewing
22 board or staff, as applicable.

1 29. The development order approved by this Ordinance shall be valid for a period of three
2 years from the date of final adoption of this Ordinance. Prior to the expiration of this 3
3 year period, a preliminary development plan must be filed with the City, or this
4 development order shall expire and be of no further force and effect. A final
5 development plan shall be filed with the City no later than six months after the
6 preliminary development plan has been approved, or this development order shall
7 expire and be of no further force and effect.

8 30. Application for a building permit must be filed within one year of obtaining final
9 development plan approval, or this development order shall expire and be of no further
10 force and effect. Construction must commence no later than one year after obtaining a
11 final development plan approval, or one year after receiving a building permit,
12 whichever is the later, or this development order shall expire and be of no further force
13 and effect.

14 31. The City Commission may approve a one-time, one-year extension of time periods
15 specified in paragraph 30 above, upon good cause shown.

16 **Section 5.** If it is determined by the City Manager that a violation of this Ordinance exists, the
17 City Manager may issue and deliver an order to cease and desist from such violation to correct a
18 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The City
19 Manager, through the City Attorney, may seek an injunction in a court of competent jurisdiction and
20 seek any other remedy available at law.

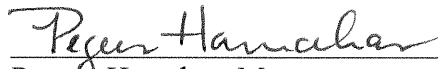
21 **Section 6.** Any person who violates any of the provisions of this ordinance shall be deemed
22 guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as provided by

1 section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
2 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
3 offense.

4 **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
5 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
6 validity of the remaining portions of this ordinance.

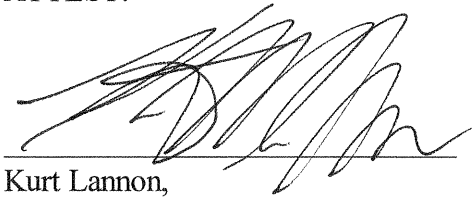
7 **Section 8.** This ordinance shall become effective immediately upon final adoption; however,
8 the rezoning shall not become effective until the amendment to the City of Gainesville 2000-2010
9 Comprehensive Plan adopted by Ordinance No. 060105 becomes effective as
10 provided therein.

11 **PASSED AND ADOPTED** this 13th day of August, 2007.

12
13
14 
15 Pegeen Hanrahan, Mayor

16
17 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

18
19
20
21 
22 Kurt Lannon,
23 Clerk of the Commission

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25
26
27 
28 Marion J. Radson, City Attorney 08/14/07

29 This ordinance passed on first reading this 23rd day of July, 2007.

This ordinance passed on second reading this 13th day of August, 2007.

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(AS FURNISHED) O.R. BOOK 3048 PAGE 502
PREPARER'S NOTE:

PART A - LAKESHORE APARTMENTS

COMMENCE AT THE NORTHEAST CORNER OF THE THOMAS NAPIER GRANT, TOWNSHIP TEN (10) SOUTH, RANGE NINETEEN (19) AND TWENTY (20) EAST, ALACHUA COUNTY, FLORIDA, AND RUN NORTH 85°28'57" EAST 74.81 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 25(US HIGHWAY NO. 441), THENCE RUN NORTH 00°02'00" WEST ALONG SAID RIGHT OF WAY LINE, 941.66 FEET TO THE POINT OF BEGINING; THENCE RUN SOUTH 85°28'57" WEST, 275.00 FEET; THENCE RUN SOUTH 00°02'00" EAST, 321.00 FEET; THENCE RUN SOUTH 85°28'57" WEST, 624.79 FEET; THENCE RUN NORTH 07°33'01" EAST, 378.23 FEET; THENCE RUN 85°28'57" EAST, 849.72 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 25; THENCE RUN SOUTH 00°02'00" EAST ALONG THE WEST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 25, 50 FEET TO THE POINT OF BEGINING.

TAX PARCEL #: 15696-005-000

PART B - LAKESHORE VACANT LOT

COMMENCE AT THE NORTHEAST CORNER OF NAPIER GRANT, RUN EAST 74.81 FEET TO US HIGHWAY NO. 441 RIGHT-OF-WAY, THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY 620.66 FEET, THENCE RUN SOUTH 85 DEGREES WEST 899.79 FEET TO THE POINT OF BEGINING, RUN THENCE SOUTH 7 DEGREES WEST 332.66 FEET, RUN THENCE SOUTH 85 DEGREES WEST 899.79 FEET TO THE WEST LINE OF THE CLINCH GRANT, THENCE RUN NORTHERLY ALONG THE WEST LINE OF THE CLINCH GRANT TO A POINT SOUTH 85 DEGREES WEST OF THE POINT OF BEGINING, THENCE RUN NORTH 85 DEGREES EAST TO THE POINT OF BEGINING.

TAX PARCEL #: 15696-004-001

(PER O.R.B. 2309, PAGE 2358)

A TRACT OF LAND LYING IN THE D.L. CLINCH GRANT, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE THOMAS NAPIER GRANT, TOWNSHIP 10 SOUTH, RANGE 19 AND 20 EAST, ALACHUA COUNTY, FLORIDA, AND RUN NORTH 85 DEGREES, 28 MINUTES, 57 SECONDS EAST, 74.81 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 25 (U.S. HIGHWAY NO. 441); THENCE RUN NORTH 00 DEGREES, 02 MINUTES, 00 SECONDS WEST 820.66 FEET, ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES, 02 MINUTES, 00 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 121.00 FEET; THENCE RUN SOUTH 85 DEGREES, 28 MINUTES, 57 SECONDS WEST 275.00 FEET; THENCE RUN SOUTH 00 DEGREES, 02 MINUTES, 00 SECONDS EAST 321.00 FEET; THENCE RUN NORTH 85 DEGREES, 28 MINUTES, 57 SECONDS EAST, 137.00 FEET; THENCE RUN NORTH 00 DEGREES, 02 MINUTES, 00 SECONDS WEST, 200 FEET; THENCE RUN NORTH 85 DEGREES, 28 MINUTES, 57 SECONDS EAST, 138.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PERPETUAL BUT NOT-EXCLUSIVE EASEMENT WHICH SHALL RUN WITH THE TITLE OF THE ABOVE-DESCRIBED LANDS ACROSS, OVER AND UPON THE FOLLOWING DESCRIBED LANDS; COMMENCE AT THE NORTHEAST CORNER OF THE LANDS DESCRIBED ABOVE AND THENCE RUN NORTH 00 DEGREES, 02 MINUTES, 00 SECONDS WEST, 50 FEET; THENCE RUN SOUTH 85 DEGREES, 28 MINUTES, 57 SECONDS WEST 275 FEET; THENCE RUN SOUTH 00 DEGREES, 02 MINUTES, 00 SECONDS EAST 50 FEET TO THE NORTHWEST CORNER OF THE ABOVE-DESCRIBED TRACT; THENCE RUN NORTH 85 DEGREES, 28 MINUTES, 57 SECONDS EAST 275 FEET TO THE POINT OF BEGINNING; DATED FEBRUARY 26, 1962, AND FILED FEBRUARY 27, 1962 IN OR BOOK 176, PAGE 207, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

TAX PARCEL #: 15696-003-000



RECEIVED

OCT 4 2006

PLANNING
DIVISION

LAKESHORE
Planned Development (PD) Report

Prepared for submission to:
The City of Gainesville

Prepared on behalf of:
Florida Southeast Development, LLC

Prepared by:



October 2006

EXHIBIT "B"

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PLANNING
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1. Planned Development Report

i) Statement of Intent

The proposed Lakeshore rezoning consists of three parcels located along SW 13th Street. Currently, there are two structures on the project site. The proposed zoning change is the second step in redeveloping and redesigning the site from an apartment complex and university supportive structure to a residential condominium and associated accessory recreational facilities. The proposed facilities will increase the residential home ownership population along the corridor, promoting the City of Gainesville's long-term revitalization goals for the area.

The parcels currently have a Future Land Use classification of Mixed-use Medium and Commercial. Submitted concurrently with the proposed rezoning is a Small-Scale Comprehensive Plan Amendment (CPA) to change the Future Land Use to Residential High Density. Therefore, to implement the new Future Land Use designation with specific design criteria, this rezoning to Planned Development is requested. The proposed change will provide for greater consistency and compatibility within the project site and along the corridor.

A Planned Development (PD) is required due to the uniqueness of the proposal. Lakeshore will consist of two multi-story buildings. The desired height for the two structures is 14 stories. Currently, there is no category within the City of Gainesville Land Development Code that accommodates the height of the proposed development. Furthermore, the PD will limit the allowable density of the project site to a maximum of 250 dwelling units. This will provide assurance of the overall compatibility and consistency of the development.

The parcels surrounding the project have a Future Land Use designation of Residential High Density, Commercial, or Education. Additionally, all parcels immediately to the north and south of the site carry a Zoning category of Residential High – 1 (RH-1). Table 7 illustrates the Future Land Use and Zoning designations surrounding the entire project site.

Table 1: Surrounding Future Land Use and Zoning Designations

<u>Direction</u>	<u>Future Land Use Designation</u>	<u>Zoning Designation</u>
North	Residential High Density / Commercial	Residential High Density (RH-1) / Business, Tourism (BT)
East	Commercial	Business, General (BUS)
South	Residential High Density / Commercial	Residential High Density (RH-1) / Business, General (BUS)
West	Education	Education

Lakeshore intends to convert and rehabilitate the existing Lakeshore Towers apartment into a residential structure, containing condominiums and accessory structures for active recreation. There will be a total of two residential structures, associated accessory structures, a pool, and other outdoor court facilities. Additionally, Lakeshore intends to support the SW 13th Street redevelopment through the construction of additional residential buildings on the site and bring additional ownership residents to a commercial corridor needing higher density residential development for the promoting of redevelopment efforts.

ii) Statistical Information

Table 2: Statistical Information

Total Site		7.13 acres
Maximum Building Coverage		50 % of site
Maximum Impervious Ground Coverage		79 % of site
Minimum Residential Units		120 units
Maximum Residential Units		250 units
Non-Residential Land Uses:		
	Office	3,000 square feet
	Retail	7,000 square feet
Maximum Acreage by Use:		
	Residential	Up to 2.75 acres
	Non-Residential	Up to 0.19 acres
	Conservation	Up to 0.85 acres
Open Space and Recreation		
	Area devoted to publicly owned facilities	0 acres
	Area devoted to common area and usable open space	+/- 2.50 acres

iii) Stormwater Management

A comprehensive assessment of the SMFs will be performed during development review to determine if expansion of SMFs is necessary. If additional stormwater management is needed, the site design will locate SMFs in concert with existing topographical grades to ensure that the peak rate of post-development runoff does not exceed the pre-development runoff rate. If change is proposed, the development's design will take the 100-year critical duration rainfall depth into consideration.

Where applicable, best management practices such as landscape berms, retention walls, and/or detention basins will be constructed to mitigate the potential impacts of 100-year critical duration rainfall depth. Any proposed SMFs within the development will be strategically located and constructed in the form meeting best management practices, designed to percolate 80 percent of the runoff from a three year, one-hour design storm, within 72 hours after the storm event. All proposed development must provide SMF's that will comply with Sec. 30-270 of the City of Gainesville Code of Ordinances.

Furthermore, as required by the St. John's River Water Management District, there will be no direct discharge of stormwater into delineated wetlands. This will be achieved through efficient and correct engineering of the SMFs to contain any site runoff. These SMFs will be designed to allow stormwater to percolate into the soil, rather than run directly into wetland areas.

iv) Design Standards

Streets, parking facilities, and loading facilities will be designed in conformance with all applicable regulations for the RH-2 zoning district set forth in the Land Development Code, except when expressly indicated in the PD report or PD Layout Plan Map. In addition, a portion of the project site is designated within the SW 13th Street Special Area Plan (SAP). The proposed building development within the Lakeshore PD is proposed outside of the SAP. Therefore, the setback requirements are not applicable for the proposed structures.

However, do to the area containing bicycle and motorcycle parking, the Southwest 13th Street SAP Exhibit A(n) governs how parking lots should be screened along the corridor. A minimum 3 feet high screening wall will be located between the sidewalk and the parking area. The screening wall may be constructed of brick, stone, stucco materials and/or landscaping materials reaching at least 75% opacity. Furthermore, the individual parking areas shall not extend for a width of greater than 70 feet along the street frontage as stipulated by Exhibit A(m)2.

The proposed screening wall provides structured development along the build to lines of the SAP satisfying the overall intent. In addition, landscaping and median beautification is consistent with improving the sense of place along the SW 13th Street Corridor further creating a sense of place and arrival to the Corridor and creating a positive southern gateway into and out of Gainesville.

v) Development Schedule

Pending approval of the Small-Scale Comprehensive Plan Amendment (CPA) and PD applications, the applicant intends to submit development plans for review within 24 months of the effective date of the PD ordinance. The PD shall be effective for 3 years from the effective date of the PD ordinance.

Prior to expiration of the time limits established herein, the applicant may request a one-time extension before the CPB and the CC. If the time limit for obtaining development review expires, the applicant may apply for a text amendment to the PD. If the time limit for the PD expires a new PD application will be required.

vi) Proposed Signage

Signage on the site will be erected in conformance with the SW 13th Street SAP (Appendix A, Section 7) and may be integrated into the screening wall. Onsite signage will be in accordance with the provision of the City of Gainesville sign code Article IX, Division 1.

vii) Enumeration of Zoning Differences

The proposed PD will comply and permit to the following conditions:

- 1) Sidewalks shall be provided between the residential buildings, the new residential building and the existing recreation area, the new residential building and the sidewalk along Southwest 13th Street, and the existing residential building and the new recreation area to the west.
- 2) The development must provide for sidewalk connections between the development and sidewalk along Southwest 13th Street. Development must provide at least 5 feet of unobstructed width for all sidewalk connections from the development to the public sidewalk, in accordance with Policy 2.1.16 of the Transportation Mobility Element of the Comprehensive Plan.
- 3) During development plan review, all existing development adjacent to wetland areas will be delineated and the wetland setback will be maintained to the greatest extent possible.
- 4) Wetland areas shall be protected from further encroachment that has already occurred from existing development. This may include physical barriers or other effective measures determined during the development review.
- 5) The development shall propose landscaping on the west side of the property to achieve a compatible relationship between the building, access way, and adjacent residential and pedestrian walkways.
- 6) Surface parking shall not exceed one (1) parking space per bedroom.
- 7) Where new vehicular use areas exist adjacent to residential areas to the north and south of a project, a 15-foot landscape buffer shall be provided with appropriate screening or fence material to be determined at development plan review.
- 8) The setbacks for construction of the new tower shall be a minimum of 65 feet from the north and south property lines.
- 9) Transmitter towers shall be allowed only in accordance with Section 30-98 of the City of Gainesville's Land Development Code.
- 10) Project must provide an internal pedestrian and bicycle circulation plan that is safe, accessible, efficient and clearly separated from vehicular use circulation. Pedestrian and bicycle circulation shall be linked to the external pedestrian network.
- 11) Area "E" land use designated on the Planned Development Layout map shall permit only the following uses: Pedestrian, Bicycle, Stormwater management, Wetland Buffer and Passive and Active Recreation.

- 12) The area of the subject property within the SAP may develop a maximum of 5,000 square feet of commercial as allowed in the BUS zoning district.
- 13) One access point is allowed off Southwest 13th Street. Design and turning movements shall be subject to traffic analysis and Florida Department of Transportation (FDOT) requirements.
- 14) During development plan review, RTS shall determine whether a bus shelter is needed. If a bus shelter is needed, it shall be provided at the developer's expense and shall be designed in accordance with the requirements of RTS, to be compatible and complimentary to the architectural forms and styles of the development and wall.
- 15) The façade and orientation of the ground level buildings and infrastructure shall provide architectural relief, garden walls, landscaping, streetscape and compatible hardscape that will be consistent with the intent of the Southwest 13th Street Special Area Plan. A three-foot architecturally compatible wall shall be provided within the area forward of the build-to line. The design is to achieve 75% opacity, except where specifically addressed. The criteria and design shall be determined during the development review.
- 16) Except as specifically provided, the development shall be regulated in accordance with the RH-2 zoning district.
- 17) Floors above three stories shall incorporate architectural design to provide the existing and proposed buildings with a prominent façade towards Southwest 13th Street.
- 18) Future development within the SAP shall be in accordance with development standards of the Southwest 13th Street Special Area Plan or as included within the PD to specifically address the intent of the Southwest 13th Street Special Area Plan district.
- 19) The development shall be required to landscape the adjacent median consistent with the SAP.
- 20) Vehicular use areas, and those areas for vehicular storage or parking of vehicles shall have no more than a double row of parking within 40 feet of the east property line.
- 21) Maximum lot coverage shall not exceed 50%, maximum building height for area B shall be limited to 14 stories, and 5 stories by right and up to 8 stories by SUP for area F.
- 22) The maximum density on the entire parcel shall not exceed 50 dwelling units per acre.
- 23) A conservation easement or other similar land preservation technique shall be provided over the wetland portions of the property to the west.
- 24) The developer will coordinate with the City of Gainesville Arborist or designee during the site plan review process in identification of trees (if any) for removal, as well as landscaping and buffer requirements.

- 25) An invasive exotics species plan will be submitted at the time of filing for the development plan review. This plan must include appropriate financial bonding and monitoring plan for a minimum of three (3) years.
- 26) All development must comply with requirements of the wetlands and environmental ordinances during development review.
- 27) Prior to final development plan approval, all wetlands shall be delineated. The developer shall provide information from the Florida Fish and Wildlife Conservation Commission related to activity status of the eagle's nest.
- 28) Sidewalks shall be provided to connect the adjacent developments to the west, east and south, and shall be hard surfaced and may vary in width between 5 feet to 10 feet, depending on location and function.
- 29) The PD shall be valid for a period of two years from the date of final adoption. At a minimum, a preliminary development plan must be filed prior to the expiration of the PD. A final development plan shall be filed no later than six months after the preliminary development plan has been approved.
- 30) Application for a building permit must be filed within one year of obtaining final development plan approval. Construction must commence no later than one year after obtaining a final development plan approval or one year after receiving a building permit, whichever is later.
- 31) The City Commission may approve a one-time, one-year extension of the PD. This also includes the valid period for obtaining a building permit and commencing construction.