

#### CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: November 29, 2018

**ITEM NO:** 4

**PROJECT NAME AND NUMBER:** PB-18-126 SUP Power Stop, Gasoline and Alternative Fuel Station.

**APPLICATION TYPE:** Quasi-Judicial: Special Use Permit (SUP) with development plan review to allow construction of a Gasoline and Alternative Fuel Stations with twelve (12) fueling positions, a convenience store and a carwash.

**RECOMMENDATION:** Staff recommends approval of the Special Use Permit for Petition PB-18-126 SUP, including the development plan with conditions and comments in the staff report and the recommendations from the Technical Review Committee.

CITY PROJECT CONTACT: Lawrence Calderon, Planner III

#### **APPLICATION INFORMATION:**

Agent/Applicant: CHW, Inc. (Robert Walpole, P.E.) agent for Legacy Fountains of Gainesville LLC, owner. **Property Owner(s):** Legacy Fountains of Gainesville, LLC.

Related Petition(s): A Land Use and PD change, Petition PB-09-115 LUC and Petition PB-09-116 PDV were processed in 2009. A Land Use and zoning change, Petition PB-17-92 LUC and Petition PB-17-93 ZON were processed in 2017.

**Legislative History:** The site was zoned PD and was combined with an adjacent larger parcel and rezoned to MU-1(8-30 units/acre mixed use low intensity district) in 2017. The related petition is PB-17-93, Ordinance #170484.

**Neighborhood Workshop:** The Neighborhood Workshop for the Special Use Permit was conducted on May 24, 2018.

#### SITE INFORMATION:

Address: Southwest corner of the intersection of SW 20<sup>th</sup> Avenue and SW 52<sup>nd</sup> Blvd.
Parcel Number(s): 06680-003-000; 06680-003-001
Acreage: 7.12 Acres.
Existing Use(s): Vacant undeveloped.
Land Use Designation(s): Mixed-use Low
Zoning Designation(s): MU-1(8-30 units/acre mixed use low intensity district)

Transportation Mobility Program Area (TMPA): Area "B"

#### **Special Features:**

The site is bounded on the north and west by two utility easements approximately 100 feet wide. Those easements impact the design, layout, access and pedestrian facilities provided for the development. In addition to the easement, the northern boundary of the site along SW 20<sup>th</sup> Avenue has a varied topography that impacts the ability to provide pedestrian and bicycle facilities, (see Map 1.)

The subject property is located within an Upland Area and is subject to the requirements of the Conservation, Open Space and Groundwater Recharge Element, Policy 1.1.1.f. of the Comprehensive Plan. At least 25% of the total acreage of the subject property must be used as set-aside areas to preserve significant plant species. The set-aside areas on the subject property will be used to preserve the Godfrey's Privet which is considered an endangered native plant species. The set-aside area will also be used to preserve a remnant of the Sugarfoot Hammock which is a diverse hardwood forest that is unusual for this area of Florida.

#### Map 1. Site Location Map



#### ADJACENT PROPERTY CHARACTERISTICS:

The subject property is part of a large undeveloped triangular tract of land that sits south of SW 20<sup>th</sup> Avenue, west of SW 52<sup>nd</sup> Street and east of I-75. The subject property runs along the south right-of-way line of SW 20<sup>th</sup> Avenue for about 870 feet and extends southwards for approximately 225 feet. It has an east and west boundary with SW 52<sup>nd</sup> Street and I-75 respectively. The east two-thirds of the site has a fairly even topography running west but drops rapidly to its lowest point close to I-75. The property has a significant tree canopy on most of the site but is devoid of vegetation along its northern and western boundaries with SW 20<sup>th</sup> Avenue and I-75. which are occupied by the Duke Energy and other easements. The site is surrounded on the north by a utility facility and multi-family residential; to the east is also a multi-family development; to the south is a 14-acre undeveloped tract; and to the west is the I-75 transportation corridor.

The property contains an endangered native plant species (i.e., Godfrey's Privet) and a remnant of hardwood forest (i.e., Sugarfoot Hammock) that is unusual for the area of Florida. Throughout the historical reviews of the site those unique aspects of the site have been identified and all approvals have respected the integrity of the environmental review and required compliance to protect the environmental characteristics of the site.

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
North	Multi-family residential development and Utilities	RM: Residential Medium and PF: Public and Institutional Facilities	PS: Public Services and Operations and PD: Planned Development
South	Vacant undeveloped	MUL: Mixed-Use Low	MU-1: Mixed Use Low Intensity
East	Multi-family residential development	RM: Residential Medium	RMF-6: Multiple-Family Residential
West	I-75 Right-of-way and undeveloped	CON: Conservation	CON: Conservation

Table 1. Existing and Surrounding Uses

#### PURPOSE AND DESCRIPTION:

This petition is a request to construct a "Gasoline/alternative fuel" station with 12 fueling positions, a carwash facility and a convenience store on property located at the SW corner of SW 20<sup>th</sup> Avenue and SW 52<sup>nd</sup> Street.

The Land Development Code requires fueling stations with more than six positions and carwash facilities to obtain a Special Use Permit and compliance with the standards listed in Section 30-5.13 and Sec. 30-5.5. The code requires that the burden of proof or compliance with the requirements of the Land Development Code remains at all times on the applicant.

The proposed development is graphically illustrated on Map 2. It includes a typical gasoline dispensing facility with twelve (12) fueling positions, a principal building, a canopy covering the fueling positions and a building housing the carwash equipment. The principal building is 5,082 square feet and is positioned approximately 67 feet from SW 20<sup>th</sup> Avenue and 30 feet from SW 52<sup>nd</sup> Street. The building houses the convenience store and services related to the gas station. The fueling canopy runs north/south along the west side of the convenience store. The carwash is located on the west side of the development.

#### Map 2. Proposed Development Layout



#### STAFF ANALYSIS AND RECOMMENDATION:

#### Zoning Standards: Sections 30-4.20

The proposed development complies with all of the dimensional standards of the MU-1 zoning district. The development has a lot coverage of 29% well below the allowable 60% and has less than 100,000 square feet of floor area. It complies with setback requirements and the proposed building height is one story. Parking is

provided to code, approximately 28 spaces, and sidewalks provided along adjacent streets are eight feet wide. Required sidewalks from the street to the main buildings are provided at five feet wide. Glazing provided for all facades exceed the required 25%; the north and east facades provide 29.1% and 28.7% respectively.

#### **Carwash Standards: Sections 30-5.5**

The development complies with all required standards of Section 30-5.5 related to carwashes. Its bay openings are oriented away from the streets and away from residential developments. The photometric plan addresses lighting requirements and the buffering standards of Article VIII have been satisfied. Automobile detailing is not specifically listed as a proposed use but shall comply with all required standards.

#### **Condition 1.**

Any proposed detailing services shall comply with the standards as provided in Sections 30-5.5 and other relevant sections of the Land Development Code.

#### **Gasoline and Alternative Fuels Standards: Sections 30-5.13**

The development is allowed by Special Use Permit and is subject to the development standards of the district. Those standards are reviewed through the analysis of the accompanying development plan. Other uses proposed by the development such as retail and carwash services are also allowed within the MU-1 zoning district. The development is also consistent with the standards of the MU-1 district pertaining to density/intensity, lot standards, setbacks and building height.

The Land Development Code allows gasoline and Alternative Fuel Stations by Special Use Permit based on three separate sets of criteria:

#### 1. Accessory uses.

a. Accessory uses proposed for the development are retail, gasoline, carwash and vending machines.

#### 2. Number of fueling positions.

a. Twelve fueling positions are proposed for the development which is allowed by Special Use Permit and is the subject of this petition.

#### 3. Design requirements.

- a. All fuel pumps and pump islands are set back more than 15 feet from any right-of-way or property line.
- b. The fueling pumps are required to be located to the rear or side of buildings located on the site and at least 50 feet from the boundary of a residential development. The development complies with these requirements. The number of driveways, per code are minimized and cross-access or joint use driveways are provided to adjacent non-residential developments per the conditions below (See Conditions 1 and 2 below).

The development has two access points leading into 12-foot driveway aisles that go around the west and south sides of the development. Other internal driveways are 18 and 20 feet wide to facilitate internal truck circulation related to solid waste management and fueling vehicles

- c. The development complies with the design requirements of the Land Development Code. Glazing is provided in excess of 25% and a primary entrance is provided facing the street. Pedestrian and bicycle access routes are provided along street frontages and within the development. The base height of the canopy complies with the required maximum height of 15 feet.
- d. The dumpsters are located on the east side of the development which does not satisfy the requirement to be located as far away from existing residential developments. According to Sec. 30-5.13 C. 11, "... Dumpsters shall be enclosed by a masonry wall and placed as far away from existing, adjacent residential uses as practicable on the site and shall not be less than 50 feet as measured from the residential property line.".
- e. Perimeter buffers are provided and the proposed uses are consistent with the requirements of the code.
- f. According to the special standards for Gasoline and Alternative Fuels Station, off-street parking shall be located to the side or rear of the building. Parking provided complies with this standard.
- g. A carwash is provided on the western edge of the development and is not adjacent to any property in a residential zoning district.

Based on the review of the development plan, the proposed development can be compatible with the requirements of Section 30-5.13 of the Land Development Code.

#### Condition 1.

A Cross-access and joint use driveways shall be provided to the adjacent property to the south to achieve compliance with the design criteria for gasoline/alternative fuel stations. Connectivity shall include automobile, bicycle and pedestrian routes at a single or multiple locations. The minimum width for bicycle and pedestrian routes shall be 20 feet wide; automobile routes shall be subject to the Public Works Design Manual. The connection shall be design in a manner consistent with the unique environmental habitat of the site with particular focus on protecting the Godfrey's Privet and the Sugarfoot Hammock. The connection and design of connectivity point/s shall be determined after a review and analysis of an environmental report updating the last one related to the 2010 PD rezoning.

#### Condition 2.

The dumpster shall be relocated to the west or south side of the development away from the primary frontage street. It shall be screened with vegetation and the photometric plan shall be modified to be consistent with the required standards.

In accordance with Section 30-3.24 of the Land Development Code, "… No Special Use Permit shall be approved by the City Plan Board unless the following findings are made concerning the proposed special use." The code also requires that the burden of proof on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant.

## A. The proposed use or development is consistent with the Comprehensive Plan and the Land Development Code.

The subject site and surrounding areas have been evaluated through two previous rezoning petitions (PB-09-116 PDV and PB-17-93 ZON) and determined to be consistent and compatible with the Comprehensive Plan. Some goals, objectives and policies that are specifically relevant are Goal 1, Policies 1.1.1, 1.1.2, 1.2.3, 4.1.1, 4.2.1 and objective 1.5 of the Future Land Use Element. They relate to quality of life, encouraging integrated and mixed use communities, discouraging urban sprawl, protecting residential areas and preserving and maintaining significant environmental resources.

The specific design as a gasoline station is compatible with the Comprehensive Plan in that it directly promotes infill development. The development also encourages the compatible co-existence of residential and non-residential development within a desirable urban design form. Those design aspects of the development are clearly reflected in Goal 10 and Policies 10.2.2, and 2.1.2 of the Transportation Mobility Element. The site sits along a significant east/west traffic route between two major development centers. It is also adjacent to SW 52<sup>nd</sup> Street which is scheduled to be extended to the Butler Plaza/Celebration Point commercial activity centers to the south. It is therefore ideally suited as an infill development that discourages urban sprawl. The site has been vacant and on the real estate market for more than ten years and has entertained elements associated with urban blight. The area is used by dirt bikers with evidence of dirt tracks exist throughout the property. The property is also used as a site for homeless persons as evident in the number of tents and sleeping areas observed on the site. Development of such sites are consistent with Objectives 1.5; 2.1; Policies 1.2.5 and 2.1.1 that encourages quality infill development that discourages urban sprawl and blight, (See Attachment "A" Comprehensive Plan Goals, Objectives and Policies).

# **B.** The proposed use or development is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan. Factors by which compatibility of the proposed use or development shall be reviewed include scale, height, mass and bulk, design, intensity, and character of activity.

The subject property is zoned MU-1 which is generally characterized as a mixed-use low intensity district established for the purpose of providing a mix of employment, retail, professional, services and residential uses in low level activity centers. The development concept is consistent with several of the listed objectives of the MU-1 zoning district and the typical land use patterns of the Mixed Use Low intensity uses, designated by the Comprehensive Plan (See Attachment "A" and "B").

The size, shape, topography and placement of easements limit the potential scale of development to one that is compatible with surrounding development in terms of scale, mass, bulk and intensity. The proposed development consists of three structures, a one-story building with a foot print of 5,490 square feet, a canopy over the gasoline pumps with a foot print of approximately 5,240 square feet and the carwash building with a foot print of approximately 756 square feet. The surrounding multi-family developments contain two and three-story buildings with footprints of approximately 4,000 to 9,500 square feet. All structures comply with the height in terms of number of stories, the accessory structures shall comply with the 15-foot maximum height requirement of per Sec. 30-5.13 C.9.

The placement of the development is consistent and compatible with the MU-1 zoning standards and offers vital support to its surroundings. The Land Development Code addresses concerns related to the compatibility of adjacent uses to mitigate the impacts of noise, fumes, odor, light pollution, increased

traffic volumes and potential pedestrian/bicycle/automobile conflicts at intersections. In addition, recommendations and conditions proposed by staff will further enhance the provisions within the Land Development Code that addresses compatibility.

This analysis considers the proposed facility in terms of scale, building height, mass, bulk, design, intensity and character of activities and its relationship to the adjacent residential and surrounding uses. Staff is recommending specific design alternatives to ensure compatibility with surrounding developments. The Technical Review Committee paid close attention to key design features that will facilitate a compatible and harmonious coexistence of the proposed development with the surrounding uses.

#### Condition 3.

The maximum height of the canopy covering the fuel pumps shall not exceed 15 feet, consistent with the requirements of Sec. 30-5.13 C.9

#### C. The proposed use will not adversely affect the health, safety, and welfare of the public.

The proposed use is a gasoline service station with a convenience store and carwash. Such facilities exist throughout the community with comparable surrounding uses and are not inherently prone to creating adverse impacts to the health, safety and welfare of the public. Such facilities actually serve a vital role in the community. The potential for negative impacts from such development are typically associated with design and operational elements such as hours of operation, noises, ambient lighting, traffic and access on nearby residential areas. Given the location and placement of the site, buffers created by SW 20<sup>th</sup> Avenue and SW 52<sup>nd</sup> Street and distance from residential developments; the impacts to nearby residential properties are significantly reduced and should not rise to the level of being adversely negative.

#### Condition 4.

The applicant shall be required to comply with all comments and conditions of the Technical Review Committee as included in Attachment "C".

## **D.** Ingress and egress to the property, proposed structures, and parking/loading/service areas are provided and allows for safe and convenient automobile, bicycle, and pedestrian mobility at the site and surrounding properties.

The proposed development is located at the southwest intersection of SW 20<sup>th</sup> Avenue and SW 52<sup>nd</sup> Street; it has one access point off each roadway. Southwest 20<sup>th</sup> Avenue is an east/west route that links development activities across both sides of the I-75 with Average Daily Traffic volumes of about 31,070 Average Daily Trips per day. The property frontage along that roadway is approximately 935 feet but only about 350 feet is accessible from the right-of-way. This layout limits the ability of the property to have a full access point off SW 20th Avenue. Access to the site is therefore limited to only a right-in/right-out movement to ensure safe and efficient traffic circulation.

Southwest 52<sup>nd</sup> Street is a local road along the east side of the property. It carries significantly lower traffic volumes, approximately 5,525 Average Daily Trips per day. It currently serves only the multi-family residential development to the east but is planned to be extended southward to access the Butler Plaza/Celebration Point activity centers. The main access to the development is off SW 52<sup>nd</sup> Street.

The traffic circulation for the site is designed with a main driveway aisle along the west portion of the property, linking the two access points. Access aisles to the interior of the site run from the main driveway

aisle. This design facilitates quick, safe and easy access to the site without creating waiting lines of traffic along the adjacent roadways. It also acts as a route for future access to adjacent undeveloped properties to the south and west.

Adequate automobile parking/loading/services areas are provided. Pedestrian routes are provided along the perimeter roadways and throughout the interior of the site. The design does not show future connections to the undeveloped area to the south but the main driveway along the west side of the property offers opportunities for connectivity.

Public Works has determined that both roadways have adequate capacity to accommodate traffic associated with the development and has approved the development and associated access routes. The development is located in Zone B of the TMPA and must meet all applicable requirements as stated in the Transportation Mobility Program Area Element of the Comprehensive Plan.

#### Condition 5.

The development shall be designed to provide connectivity points to the undeveloped property to the south and west. Any connection shall be approved subject to maintaining and preserving the endangered species on the site and the 25% set aside.

## E. Off-street parking, service, and loading areas, where required, will not adversely impact adjacent properties zoned for single-family residential use.

There are no single-family residential developments adjacent to the proposed development.

#### F. Noise, glare, exterior lighting, or odor effects will not negatively impact surrounding properties

The bulk of the site activities such as the fueling pumps, parking, truck circulation, building entrances and solid waste management will be occurring towards the western portion of the development away from the residential developments. The lighting plan demonstrates compliance with the code with no negative impacts to the residential development to the east.

The current design and placement of the dumpster creates the potential for negative impacts to the residential properties from noises associated with the operation of the dumpster and a conflict with the adjacent street design and future street activities. Staff has requested relocation of the dumpster to the west based on a code requirement (Sec. 30-5.13 C. 11), (see Condition 2). Given the requested relocation of the dumpster away from the east side, the overall site layout places most of the site activities away from the residential side of the development and enhances compatibility.

## G. There is adequate provision for refuse and service/loading areas, and these areas shall be reviewed for access, screening, location on the site, and pedestrian/bicycle mobility and safety. Outdoor storage or display areas, if included, will not adversely impact surrounding properties and shall be reviewed for screening and location on the site.

The development addresses the provision of refuse areas for the site but the location of such facilities shall be reconsidered during final development review to address specific standards for gasoline stations. Adequate service and loading/unloading areas are provided; access is from an internal driveway and will not impact the adjacent roadway traffic circulation. Internal pedestrian routes are provided linking the

main building to the adjacent street sidewalks. There are no designated areas for outdoor storage and display of goods and materials. Any proposed use will have to be addressed as a separate permit.

#### Condition 6.

The applicant shall be responsible for upgrade and improvements to the pedestrian lighting system that controls pedestrian circulation across SW 20<sup>th</sup> Avenue west of the intersection and across SW 52<sup>nd</sup> Street, south of the intersection.

#### Condition 7.

A new sidewalk route shall be provided from the southern access point to the western entrance of the main building. The minimum width of the sidewalk shall be 7 feet and shall be lit consistent with the code requirements for sidewalk lighting.

## H. Necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use or development.

The Technical Review Committee reviewed the development and determined that the necessary public utilities are available to service the demands of the site. Potable water, sewer and wastewater systems are in place to provide adequate services. GRU has recommended approval and indicates that there is adequate capacity to serve future needs as demand changes.

#### I. Screening and buffers are proposed of such type, dimension, and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.

The landscaping plan demonstrates compliance with the minimum requirements for open space, perimeter, interior and vehicular use area landscaping.

Development of the southern area of the site is important in ensuring the establishment of the 25% setaside and protection of the endangered species, (Godfrey's Privet) and a remnant of hardwood forest (i.e., Sugarfoot Hammock). A plan for protection, maintenance and management of the area has not been submitted and shall be included as part of the final development plan approval. The plan shall stipulate the size of the area to be protected, the location of the area as well as the management and sustainability actions that will be implemented to ensure a healthy transition relative to the proposed development of the area.

Staff notes an unusual boundary outline along the southern limits of the property; any such boundary alteration must be approved through the proper subdivision process and must include authorization of the owners of the affected properties.

#### Condition 8.

Prior to final approval, the applicant shall provide a modified landscaping plan demonstrating a minimum Type C buffer along the southern boundary with the adjacent property. Required vegetation and trees shall be 65 gallons at the time of planting. The buffer shall be designed to ensure compatibility of the proposed development to the unique characteristics of the environmental areas to the south. The buffer shall take into account the need for creating automobile, bicycle and pedestrian connections to the south.

## J. The hours of operation will not adversely impact adjacent properties zoned for single-family residential use.

There are no single-family residential developments adjacent to the proposed development.

## K. Any special requirements set forth in the Land Development Code for the particular use involved are met.

Section 30-5.13 contains a specific list of requirements related to Gasoline and Alternative Fuel Stations which have been covered in the above analysis.

Signage:

Signage for the development shall be in accordance with the standards outlined in Article IX, Division 1 of the Land Development Code.

#### DRAFT MOTION FOR CONSIDERATION

Approve Petition PB-18-126 SUP with the associated development plan including the conditions in the staff report and the conditions from the Technical Review Committee.

#### LIST OF APPENDICES:

- <u>Appendix A</u> Comprehensive Plan Goals, Objectives and Policies
- Appendix B Land Development Code Regulations
- <u>Appendix C</u> Technical Review Committee (TRC) Conditions
- <u>Appendix D</u> Supplemental Documents
- Appendix E Development Plan

### Appendix "A"

Comprehensive Plan Goals, Objectives and Policies

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

#### A. Conservation Element

#### Policy 1.1.1 B 6

Require that development shall not cause indirect or secondary wetland impacts off - site

#### Policy 2.2.1

The City shall require stormwater quality treatment facilities for redevelopment

#### **B.** Transportation Mobility:

#### **Objective 2.1**

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

#### Policy 2.1.2

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

#### **Policy 2.1.11**

Development plans for new developments and redevelopment of residential And non-residential sites shall show any existing and proposed bicycle and pedestrian access to adjacent properties and trans it stops.

#### **Policy 2.1.12**

New development will be encouraged to provide pedestrian/bicycle connections to nearby land uses such as schools, parks, retail, office, and residential when feasible

#### Policy 3.1.4

Development and redevelopment projects shall be encouraged to provide bicycle and pedestrian access to adjacent properties. Connectivity or stub-outs for future connections shall be included in development and redevelopment plans.

#### Policy 3.1.5

Street intersection modification, street construction, restriping, reconstruction, and resurfacing shall not increase the difficulty of bicycle, transit, and pedestrian travel. Such changes shall include safety features for bicycles, transit, and pedestrians to offset any negative impact the modification may otherwise create.

#### Policy 3.1.6

The City shall establish, as feasible and appropriate, pedestrian mid-block refuge areas at street mid-points, particularly for streets with continuous left-turn lanes, areas where a large volume of

pedestrians and bicyclists are expected or encouraged, and 5 and 7-lane streets (or any street with a crossing distance greater than 60 feet). For streets within city limits that re not under the City's maintenance responsibility, the City shall coordinate with the governmental unit that has maintenance responsibility to request placement of pedestrian mid-block refuge areas where feasible and appropriate.

#### Policy 3.1.7

The City shall promote walking, transit use, and bicycling in new development and redevelopment by establishing modest, human -scaled dimensions such as small street blocks, pedestrian-scaled street and building design, ample sidewalks to carry significant pedestrian traffic, and improved access to transit stops.

#### Policy 3.1.9

The City's Land Development Code shall require new development and redevelopment to provide safe and convenient on-site pedestrian circulation with features such as, but not limited to, sidewalks and crosswalks that connect buildings, transit stops, and parking areas at the development site.

#### **Policy 3.1.10**

At least 5 feet of unobstructed width shall be maintained on all sidewalks, except as necessitated by specific physical and/or natural feature constraints that require a narrower dimension for a short length within a standard width sidewalk. Under no circumstances shall the sidewalk be less than 36 inches in width. Sidewalks shall be free of signs, furniture, and other pedestrian obstacles that reduce the useable width of the sidewalk.

**Policy 3.2.3** The City shall evaluate transit stops in city limits to identify needs for improvements such as well-designed shelters, bicycle parking, route information, benches, waste receptacles, or the need for new transit stop locations. THE CITY'S ECONOMIC VIABIL ITY

The Transportation Mobility Element, Goal 10, promotes urban redevelopment, infill development and developments that offer a variety of transportation choices. The goal also encourages compatible co-existence of residential and non-residential development within a desirable urban design form. The proposed development fits those characteristics and depicts many of the facets of that goal throughout its design.

#### GOAL 10

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

- A. Urban redevelopment;
- B. Infill development;
- C. A variety of transportation choices and opportunities including automotive, pedestrian, bicycle and transit;
- D. The city's economic viability
- E. Desirable urban design and form;

- F. A mix of residential and non-residential uses;
- G. Streetscaping/landscaping of roadways within the city; and pedestrian and bicyclist comfort, safety and convenience.

#### **Policy 10.1.3**

Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.

#### **Policy 10.1.4**

For any development or redevelopment within Zone A, the developer shall provide the following transportation mobility requirements. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

a. Sidewalk connections from the development to existing and planned public sidewalk along the development frontage;

b. Cross-access connections/easements or joint driveways, where available and economically feasible;

c. Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities, and/or transit shelters. Such deeding or conveyance of required easements, or a portion of same, shall not be

required if it would render the property unusable for development. A Transit Facility License Agreement between the property owner and the City for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding of land or conveyance of easements. The License Agreement term shall be for a minimum of 10 years;

d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined in the Access Management portion of the Land Development Code; and

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

#### **Policy 10.2.5**

In order to encourage the redevelopment of properties within the TMPA, reduce or prevent blight, and encourage development in close proximity to transit, the following redevelopment trip credits shall apply to projects that are located within ¼ mile of the property lines of an existing transit hub or projects that are located in transit-supportive areas (as shown in the Existing Transit Hubs and Transit-Supportive Areas Map adopted in the Transportation Mobility Element) and are within ¼ mile of an existing transit route. The City shall reduce by 25% the net, new average daily trip generation for any redevelopment project or any project that expands or converts a building to a

new use. The City shall reduce by 40% the net, new average daily trip generation for any mixeduse project that includes both a residential and nonresidential component where residential dwelling units equal at least 10% of the floor area of commercial/office uses.

#### **Policy 10.3.2**

New development of automotive-oriented uses within the TMPA, such as retail petroleum sales (gasoline service stations), car washes, automotive repair, and limited automotive services (as defined in the Land Development Code), shall be designed with service bays and fueling (gas) pumps located to the rear or side of buildings. These design standards shall not apply in industrial zoning districts. Land development regulations shall specify the criteria for the placement of these uses. The number of fueling positions and service bays shall be regulated in the Land Development Code.

#### **Objective 10.4**

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

#### **Policy 10.4.3**

Gasoline and alternative fuel stations shall be specially regulated by the Land Development Code. The regulations shall include provisions that include: locating fueling pumps to the rear or side of buildings; minimization of the number and width of driveways; limitations on the number of fueling positions; and consideration of pedestrian and bicycle safety at the site.

#### **Policy 10.6.1**

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

#### **Policy 10.6.2**

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

#### **Policy 10.9.1**

For any development that will access state roads, FDOT staff shall have the opportunity to comment on the proposed development and its impacts on state roads.

#### C. Future Land Use Element

#### GOAL 1

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

#### **Objective 1.2**

Protect and promote viable transportation choices (including transit, walking and bicycling, and calmed car traffic).

#### Policy 1.2.5

The City should encourage creation of short-cuts for pedestrians and bicyclists with additional connections and cross access in order to create walking and bicycling connections between neighborhoods and neighborhood (activity) centers.

#### Policy 1.3.2

Centers should be pleasant, safe, and convenient for pedestrians and bicyclists and contain a strong connection to transit service.

#### Policy 1.4.2

The City should require strategies such as traffic calming and transportation demand management to reduce traffic impacts experienced by residences in mixed-use areas.

#### **Objective 1.5**

Discourage the proliferation of urban sprawl.

#### **Objective 2.1**

Redevelopment s h o u l d b e e n c o u r a g e d t o p r o m o t e c o m p a c t, v i b r a n t urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

#### Policy 2.1.1

The City shall develop recommendations for areas designated as redevelopment areas, neighborhood centers and residential neighborhoods in need of neighborhood enhancement and stabilization.

#### **Policy 3.1.1**

Standards and guidelines established in Conservation, Open Space, and Groundwater Recharge Element Objective 1.1 and its Policies shall be used to protect identified environmentally sensitive resources.

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

This land use category <u>allows a mixture of residential and non-residential uses</u> such as standard lot single- family houses, small-lot single-family houses, duplex houses, own houses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, <u>retail scaled to serve the surrounding neighborhood</u>, public and private schools, places of religious assembly and other community civic uses. Light assembly, fabrication, and processing uses within fully enclosed structures may be allowed as specially regulated uses through a Special Use Permit process established in the Land Development Code.

Residential development shall be limited to 8 to 30 units per acres. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. Unified developments that include a residential and nonresidential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less; however, height may be increased to a maximum of 8 stories by Special Use Permit. Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within 1/4 mile of the site, have a residential density of at least 6 units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest front setbacks.

#### **Objective 4.2**

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

#### Policy 4.2.1

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

#### **Policy 4.2.2**

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

#### **Objective 5.2**

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

#### Policy 5.2.1

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



## Conservation,

## Open Space & Groundwater Recharge Element

GOAL 1

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

- Objective 1.1 The City shall protect significant environmental lands and resources identified in the Environmentally Significant Land and Resources Series within the Future Land Use Map Series. The City shall identify environmentally significant open space and recreation sites for acquisition.
- Policy 1.1.1 The following minimum standards shall be used to protect environmentally sensitive resources identified in the Geographic Information Systems (GIS) Map Library located on the City's Planning and Development Services Department website. The Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series shall be updated as annexations occur and when additional resources are identified; however, the GIS Map Library shall be the reference source for land use decisions and in applying land development regulations because it contains the most up-todate, best available information. The City shall develop and adopt land development regulations that, at a minimum, meet the standards addressed below.
  - a. Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a rebuttable presumption that development is detrimental to the regulated creek. Development must conform to applicable provisions of the land development regulations that prohibit



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

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

Appendix B Land Development Code Regulations



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

#### **ARTICLE IV. ZONING**

#### 2 DIVISION 1. GENERALLY

#### **3** Section 30-4.1. Establishment of Zoning Districts.

4 The following zoning districts are established to implement the Comprehensive Plan, to promote orderly

5 urban growth, and to classify and regulate the use of land, water, buildings and structures within the

6 city.

	Transects
U1	Urban 1
U2	Urban 2
U3	Urban 3
U4	Urban 4
U5	Urban 5
U6	Urban 6
U7	Urban 7
U8	Urban 8
U9	Urban 9
DT	Downtown
	Residential
RSF-1 to 4	Single-Family
RC	Residential Conservation
MH	Mobile Home
RMF-5	Single/Multi-Family
RMF-6 to 8	Multi-Family
	Mixed-Use and Nonresidential
MU-1	Mixed-Use Low-Intensity
MU-2	Mixed-Use Medium-Intensity
OR	Office Residential
OF	General Office
СР	Corporate Park
BUS	General Business
BA	Automotive-Oriented Business
ВТ	Tourist-Oriented Business
BI	Business Industrial
W	Warehousing and Wholesaling
I-1	Limited Industrial
I-2	General Industrial
	Special Districts
AGR	Agriculture
AF	Airport Facility
CON	Conservation

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1

ED Educational Services				
MD	D Medical Services			
PD Planned Development				
PS	PS Public Services and Operations			
Airport Hazar	d Zoning Overlay			
Heritage Overlay				
Historic Preservation/Conservation Overlay				

1

#### 2 Section 30-4.2. Correspondence with Future Land Use Categories.

3 The following table establishes the zoning districts allowable within the future land use categories from

4 the Comprehensive Plan.

Future Land Use Category	Zoning Districts	Special Districts
Single-Family (SF)	U1, RSF-1 to 4, RSF-R	PD, CON, PS
Residential Low-Density (RL)	U2, RSF-4, RMF-5, MH, RC	PD, CON, PS
Residential Medium-Density (RM)	RMF-6 to 8	PD, CON, PS
Residential High-Density (RH)	N/A	PD, CON, PS
Mixed-Use Residential (MUR)	U5	PD, CON, PS
Mixed-Use Office/Residential (MOR)	U4, U3	PD, CON, PS
Mixed-Use Low-Intensity (MUL)	MU-1	PD, CON, PS
Mixed-Use Medium-Intensity (MUM)	MU-2, CP	PD, CON, PS
Urban Mixed-Use (UMU)	U6, U7, U8	PD, CON, PS
Urban Mixed-Use High-Intensity (UMUH)	U9	PD, CON, PS
Urban Core (UC)	DT	PD, CON, PS
Office (O)	OR, OF, CP	PD, CON, PS, MD
Commercial (C)	W, BA, BT, BUS, BI	PD, CON, PS
Business Industrial (BI)	BI, CP	PD, CON, PS
Industrial (IND)	W, I-1, I-2, BI	PD, CON, PS
Education (E)	N/A	PD, CON, PS, ED
Recreation (REC)	N/A	PD, CON, PS
Conservation (CON)	N/A	PD, CON, PS
Agriculture (AGR)	N/A	PD, CON, PS, AGR
Public and Institutional Facilities (PF)	N/A	PD, CON, PS, AF
Planned Use District (PUD)	N/A	PD

5

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

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

#### 8 Table V - 6: Permitted Density Using Density Bonus Points

RM	1F-6	RM	IF-7	RMF-8			
Points	Max	Points	Max	Points	Max		
	residential		residential		residential		
	density		density		density		
	(du/ac)		(du/ac)		(du/ac)		
0	10	0	14	0	20		
26	11	20	15	16	21		
52	12	39	16	30	22		
79	13	59	17	46	23		
108	14	79	18	59	24		
138+	15	98	19	75	25		

9

#### 10 DIVISION 4. MIXED-USE AND NONRESIDENTIAL

#### 11 Section 30-4.19. Permitted Uses.

12 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right

13 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the

14 use is not allowed. No variances from the requirements of this section shall be allowed.

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

	Use Standards	MU-1	MU-2	OR	OF	СР	BUS	BA	вт	BI	×	1-1	I-2
RESIDENTIAL													
Single-family house		Р	-	Р	Р	-	-	-	-	-	Р	-	-
Attached dwellings		Р	Р	Р	Р	-	-	-	-	-	-	-	-
Multi-family dwellings		Р	Р	Р	Р	S	-	-	-	-	Р	-	-
Accessory dwelling units	30-5.33	Α	Α	Α	Α	-	-	-	-	-	Р	-	-
Adult day care homes	30-5.2	Р	Р	Р	Р	Р	Р	-	-	Р	-	-	-
Community residential homes (up to 6 residents)	30-5.6	Р	Ρ	Ρ	Р	-	-	-	-	-	Р	-	-
Community residential homes (more than 14 residents)	30-5.6	-	Ρ	Ρ	Ρ	-	-	-	-	-	Ρ	-	-
Community residential homes (7 to 14 residents)	30-5.6	Р	Р	Р	Р	-	-	-	-	-	Р	-	-

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	Use Standards	MU-1	MU-2	OR	OF	СР	BUS	BA	ВТ	BI	8	-1	I-2
Dormitory, large	30-5.8	-	-	-	S	-	-	-	-	-	-	-	-
Dormitory, small	30-5.8	S	S	S	Р	-	S	-	-	-	-	-	-
Family child care homes	30-5.10	Р	-	Р	Р	-	-	-	-	-	Р	-	-
NONRESIDENTIAL						. <u> </u>		<u> </u>				<u> </u>	
Alcoholic beverage		_	_				_		_	_		_	
establishments	30-5.3	5	5	-	-	-	Р	-	Р	Р	-	Р	Р
Assisted living facility		Р	Р	-	Р	-	-	-	-	-	Р	-	-
Armor systems manufacturing	20 5 4 6	0											
and assembly	30-5.16	Р	-	-	-	-	-	-	-	-	-	-	-
Bed and breakfast	20 5 4	5	5	<u> </u>	ć		6		6				
establishments	30-5.4	Р	Р	2	2	-	Р	-	Р	-	-	-	-
Business services		Р	Р	-	Р	Р	Р	Р	Р	Р	Р	Р	Р
Car wash facilities	30-5.5	S	S	-	-	-	Р	Р	S	Р	Р	Р	Р
Civic, social & fraternal		5	D				6	D	-	-			
organizations		Р	Р	-	-	-	Р	Р	Р	Р	-	-	-
Daycare center	30-5.7	Р	Р	Р	Р	Р	Р	-	-	Р	Р	-	-
Drive-through facility	30-5.9	Р	Р	-	-	-	Р	Р	Р	Р	Р	Р	Р
Emergency shelters		Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Equipment sales, rental and												р	D
leasing, heavy		-	-	-	-	-	-	-	-	-	-	Р	Р
Equipment sales, rental and		1	Ρ	Р	Р	-	Р	Р	-	Р	Р	Р	Р
Food distribution contor for													
the needy	30-5.12	-	-	-	-	-	S	-	S	S	-	-	-
Food truck	30-5.35	Р	Р	А	А	Р	Р	Р	Р	Р	Р	Р	Ρ
Fuel dealers		S	S	-	-	-	S	Р	-	-	-	Р	Р
Funeral homes and		D	D	D	D		D	D					
crematories		Г	Г	Г	F	-	F	Г	-	-	-	-	-
Gasoline/alternative fuel	30-5 13	ç	ç	_	_	_	D	D	D	ç	D	ç	s
stations	50-5.15	5	5	_	_	_	-	r	ſ	5	ſ	5	J
Go-cart raceway and rentals		_	_	_	_	-	_	_	_	-	_	s	s
(indoor and outdoor)												5	5
Health services		Р	Р	Р	Р	Р	-	-	-	-	Р	-	-
Hotels and motels		S	S	-	-	S	Р	-	Р	Р	S	-	-
Ice manufacturing/vending	30-5 38	_	_	_	_	-	s	s	s	Δ	Δ	Δ	Δ
machines	50 5.50						5	5	5	~	~	~	~
Industrial	30-5.14	-	-	-	-	-	-	-	-	-	-	Р	Р
Job training and vocational rehabilitation services		-	Ρ	-	-	-	Ρ	-	-	Ρ	Ρ	Р	-
Junkyard/Salvage Yard	30-5.15	-	-	-	-	-	-	-	-	-	-	S	Р

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	e ndards	1-1	1-2				S						
	Use Sta	MU	MU	OR	OF	G	BU	ΒA	ВТ	BI	≥	<u>1</u>	I-2
Laboratories, medical and dental		Р	Р	Р	Р	Р	Р	-	-	Р	Р	Р	Р
Large-scale retail		-	Р	-	-	-	Р	Р	Р	Р	-	-	-
Libraries		-	Р	-	-	Р	-	-	-	-	Р	-	-
Light assembly, fabrication.		_	_		_	_	_	_		_	_	_	_
and processing	30-5.16	Р	Р	-	S	S	S	Р	-	Р	Р	Р	Р
Liquor stores		Р	Р	-	-	-	Р	Р	Р	-	Р	-	-
Medical marijuana		-		• 1	• 1	• 2	-						
dispensaries		Р	Р	A	A-	A⁻	Р	-	-	-	-	-	-
Microbrewery													
Microwinery	30-5.17	S	Р	-	-	-	Р	-	Р	Р	Р	Р	Р
Microdistillery <sup>3</sup>													
Mini-warehouses, self-storage		-	-	-	-	-	-	-	-	Р	Р	Р	Р
Museums and art galleries		Р	Р	Р	Р	Р	Р	-	Р	Р	Р	-	-
Offices		Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Offices, medical and dental		Р	Р	Р	Р	Р	Р	-	Р	-	Р	-	-
Outdoor storage, principal use	30-5.19	-	-	-	-	-	-	-	-	S	Р	Р	Р
Parking, surface (as a principal use)	30-5.20	-	S	-	-	-	S	Р	-	Ρ	Ρ	-	-
Passenger transit or rail													
stations		S	S	-	-	Р	Р	Р	Р	Р	Р	Р	-
Personal services		Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Places of religious assembly	30-5.21	P	P	P	P	P	P	P	P	P	P	-	-
Public administration	000.22					-							
buildings		Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	-
Public maintenance and												_	-
storage facilities		-	-	-	-	-	-	-	-	Р	Р	Р	Р
Public parks		S	S	S	S	Р	Р	Р	Р	Р	Р	Р	Р
Recreation, indoor		Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Recreation, outdoor		-	-	-	-	-	S	Р	Р	S	-	Р	Р
Recycling centers		-	S	-	-	-	S	-	-	-	S	S	Р
Rehabilitation centers	30-5.24	S	S	S	S	-	S		-	S	-	S	
Research, development and							6			6	6		5
testing facilities		-	-	-	-	Р	Р	-	-	Р	Р	Р	Р
Residences for destitute	20 5 22	ç	c	c	c		c		c				
people	30-5.22	2	2	2	2	-	2	-	2	-	-	-	-
Restaurants		Р	Р	-	S	Р	Р	Ρ	Р	Р	Р	Ρ	Р
Retail nurseries, lawn and	and		D				D	D		D	D	D	
garden supply stores		г	г	-	_		г	г	-	г	г	r	-
Retail sales (not elsewhere		D	D	-	_	c	P	D	P	D	D	c	c
classified)		r	ľ	-		5	r	ſ	ľ	r	ľ	5	J

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	lards												
	Use Stand	MU-1	MU-2	OR	OF	СР	BUS	ΒA	ВТ	BI	8	I-1	I-2
Schools, elementary, middle & high (public & private)		Ρ	Ρ	S	S	-	Ρ	-	-	-	Р	-	-
Schools, professional		Р	Р	Р	Р	Р	Р	Р	I	Р	Р	Ρ	Ρ
Schools, vocational and trade		-	Р	Р	Р	-	Р	Р	-	Р	Р	Р	Р
Scooter or electric golf cart sales		Ρ	Ρ	-	-	-	Ρ	Ρ	-	Ρ	-	Ρ	-
Sexually-oriented cabarets	30-5.23	-	-	-	-	-	-	-	Р	-	-	-	Р
Sexually-oriented motion picture theaters	30-5.23	-	-	-	-	-	-	-	Р	-	-	-	Ρ
Sexually-oriented retail store	30-5.23	-	-	-	-	-	Р	-	Р	-	-	-	Р
Skilled nursing facility		Р	Р	-	Р	Р	Р	-	-	-	Р	-	-
Social service facility	30-5.25	S	S	S	S	-	-	-	-	-	Р	S	S
Solar generation station	30-5.27	-	-	-	-	-	-	-	-	Р	-	Ρ	Р
Truck or bus terminal/maintenance facilities		-	-	-	-	-	-	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ
Vehicle repair	30-5.28	-	-	-	-	-	-	Р	Р	Р	-	Р	Р
Vehicle rental		-	-	-	-	-	Р	Р	Р	Р	Р	Р	-
Vehicle sales (no outdoor display)		-	-	-	-	-	Р	Ρ	Р	Р	-	Ρ	-
Vehicle sales (with outdoor display)		-	-	-	-	-	-	Р	-	Р	-	Ρ	Ρ
Vehicle services	30-5.28	S	S	-	-	-	Р	Р	Р	Р	S	Р	Р
Veterinary services	30-5.29	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Warehouse/distribution facilities (<100,000 SF)		-	-	-	-	-	-	-	-	Ρ	Р	Ρ	Ρ
Warehouse/distribution facilities (>100,000 SF)		-	-	-	-	-	-	-	-	Р	Р	Ρ	Ρ
Waste management facilities		-	-	-	-	-	-	-	-	S	-	Р	Ρ
Wholesale trade		-	-	-	-	-	-	S	-	Р	Р	Р	Ρ
Wireless communication facilities	30- 5.30												

#### 1 LEGEND:

2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

1 = Only when accessory to and in the same building as health services or offices of physicians, dentists,
 and other health practitioners.

- 5 2 = Accessory to and in the same building as health services and comprising less than 25% of the gross
   6 floor area of the building.
- 7 3 = Prohibited where adjacent to single-family zoned property.

1

#### 2 Section 30-4.20. Dimensional Standards.

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

	obe and h	0111 051	aciitiai	Bistille						1	1	
	MU-1	MU-2	OR	OF	СР	BUS	BA	BT	W	BI	I-1	I-2
DENSITY/INTENSI	ГҮ											
Residential												
density (units/												
acre)												
Min <sup>1</sup>	8	12	None	None	10	None	None	None	8	None	None	None
Max	30	30	20	20	30	None	None	None	30	None	None	None
Nonresidential building coverage	60%	75%	40%	50%	50%	None	None	None	None	None	None	None
Nonresidential	100,000 <sup>2</sup>	None <sup>2</sup>	None	None	None	None	None	None	None	None	None	None
			1			L						
Min lot area (sg.	None	None	6,000	6,000	None	None	None	6,000	None	None	None	None
ft.)			,	,				,				
Min lot width (ft.)	None	None	60	60	None	None	None	60	None	None	None	None
Min lot depth (ft.)	None	None	90	90	None	None	None	90	None	None	None	None
SETBACKS (ft.)												
	10 min	10	10	10	10	10	15	10	25	25	25	25
Front	100 max	min	min	min	min	min	min	min	min	min	min	min
TION		100	100	100	100	100		100				
		max	max	max	max	max		max				
Side-street (min)	15	15	10	10	10	10	15	10	25	20	25	25
Side-interior	10	10	10	10	10	10	10	10	$10^{4}$	10	10 <sup>4</sup>	20 <sup>4</sup>
(min)												
Rear (min)	10	10	10	10	10	10	15	10	10 <sup>4</sup>	20	10 <sup>4</sup>	10 <sup>4</sup>
MAXIMUM BUILD	ING HEIGI	HT (sto	ries)		T		1			T	T	
By right	5	5	3	3	5	5	5	5	5	5	5	5
With building height bonus	8	8	-		8	8	-	8	-	-	-	-

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

5 LEGEND:

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

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

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

12 4 = Where the rear or side yard abuts U1 or single-family residential zoning or a historic district, Section

13 30-4.8 development compatibility standards shall apply.

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#### Section 30-4.21. Design Standards.

#### 3 A. Parking.

4 1. Motor vehicle parking is required in accordance with Article VII. All motor vehicle parking except 5 a double-loaded row of parking shall be located in the rear and/or interior side of the building, unless such a location is prevented by topography, stormwater retention or significant trees, as 6 7 determined by the appropriate reviewing board, City Manager or designee. In no case shall 8 more than 50% of the parking be located between the front facade and the primary abutting 9 street, unless modified by the appropriate reviewing board, City Manager or designee. However, 10 driveway entrances and exits to parking areas shall be allowed on the front side of the building. There shall be no limit on the number of parking spaces in parking structures. 11

Bicycle parking spaces shall be installed as required by Article VII. Such parking may encroach
 into the public right-of-way or beyond the setback line provided that at least 5 feet of
 unobstructed sidewalk width and any required tree strip is retained. Bicycle parking
 requirements may be waived if public bicycle parking exists to serve the use.

#### 16 B. Sidewalks.

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

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

The minimum unobstructed width shall be 2 feet less than the required sidewalk width, as long as at least 5 feet of unobstructed width is retained. At transit stops, the minimum width is 8 feet of unobstructed width. In areas where a sidewalk pattern as to materials and width has been adopted, the appropriate reviewing board, City Manager or designee may allow the pattern to be continued by each new development. If the sidewalks installed are less than the minimums provided above, sufficient space shall be provided in order for these minimum sidewalk widths to be added in the future.

- 28 C. Building orientation. The main entrance of buildings or units shall be located on the first floor on
   29 the more primary street.
- D. *Glazing*. Building walls facing the more primary street shall have non-reflective, transparent
   windows or glazed area covering at least 25% of their surface at pedestrian level (between 3 feet
   and 8 feet above grade) on the first floor. Operable transparent entrance doors may be included in
   the calculation of total facade surface area.
- E. *Mechanical equipment*. All mechanical equipment shall be placed on the roof, in the rear or side of
   the building, and shall be screened with parapets or other types of visual screening.
- 36

#### **ARTICLE V. USE STANDARDS**

#### 2 **DIVISION 1. PRINCIPAL USES**

#### **3** Section 30-5.1. Applicability.

4 A. The requirements of this article shall be applicable to each specific use identified herein, regardless 5 of the zoning district in which the use is located, regardless of whether the use is permitted as of 6 right or by special use permit, and regardless of any less restrictive requirements generally 7 applicable to the district in which the use is located. However, when any particular requirement or 8 limitation generally applicable in any zoning district, or when any requirement or limitation imposed 9 by the approving board as a condition of a special use permit approval or variance, is additional to or 10 more restrictive than the requirements and limitations contained in this article, the additional and 11 more restrictive requirements or limitations shall apply.

B. In any district where a use is permitted as a special use permit and the dimensional requirements for
such use are not specified, any dimensional limitation shall be as required by the approving board.
Such dimensional limitations shall be established in consideration of the general requirements for
the particular zoning district and the general limitations on uses permitted by special use permit, but
in no event shall they be less restrictive than any particular dimensional limitation specified in this
article.

C. Development plan approval, in accordance with the requirements of Article III, is required prior to
 the issuance of a building permit for any of the uses regulated in this article.

#### 20 Section 30-5.2. Adult Day Care Homes.

A. The total number of natural persons who are cared for or supervised shall not exceed five persons at
 any one time. In no event shall more than eight natural persons be permitted at the home at any
 one time. Such use shall not include nursing and personal care facilities, rehabilitation centers, social
 service homes or halfway houses, or other similar activities or facilities that are not customarily
 incidental to residential use.

- B. Adult day care homes shall be located no closer than 200 feet from any other adult day care home.
- 27 C. The use shall be conducted in conformance with all applicable county, state and federal laws.

#### 28 Section 30-5.3. Alcoholic Beverage Establishments.

- A. No alcoholic beverage establishment may be located within 300 linear feet of an established place
   of religious assembly, which distance shall be measured by extending a straight line from the main
   entrance of the alcoholic beverage establishment to the main entrance of the place of religious
   assembly. This spacing requirement shall not apply in the U9 or DT district.
- B. No alcoholic beverage establishment may be located within 400 linear feet of any public or private
  school, duly accredited and offering any grades from kindergarten through the twelfth grade, which
  distance shall be measured by a straight line from the main entrance of the alcoholic beverage
  establishment to the nearest part of the school grounds normally and regularly used in connection
  with such school program. This spacing requirement shall not apply in the U9 or DT district.
  - Article V. Use Standards Page **1** of **46**

1

- C. No entrance or exit, except for emergency entrances or exits, connected to any portion of a building
   normally used by patrons of an alcoholic beverage establishment as a continuous and unobstructed
   path of travel shall be located within 100 linear feet of the district boundary line of a residential
   zoning district, which distance shall be measured by extending a straight line from the entrance or
   exit of the alcoholic beverage establishment to the district boundary line.
- D. Special use permit. If required by this chapter to have special use permit approval, the City Plan
  Board shall consider, in addition to all of the above specific requirements, the factors and standards
  for special use permits stated in Article III and may prescribe appropriate conditions and safeguards
  as stated in Article III. In granting a special use permit for an alcoholic beverage establishment, the
  City Plan Board shall consider the standard criteria for all special use permits, in addition to the
  following factors regarding the effect on surrounding properties (particularly surrounding properties
  that are in residential districts or districts that contain dwelling units):
- 13 1. Noise generated by the proposed establishment, considering placement of doors, windows and 14 open spaces and any plans for music or entertainment;
- Amount of traffic generation and the pattern of its dispersal from the site, considering likely
   impacts on residential areas or conflicts with other uses; and
- 17 3. Hours of activity.

#### **18** Section 30-5.4. Bed and Breakfast Establishments.

- 19 The following standards shall apply to all bed and breakfast establishments:
- 20 A. The owner or manager shall live on the premises.
- 21 B. Separate toilet and bathing facilities for the exclusive use of guests shall be provided.
- C. Cooking facilities shall be approved by the county health department. In residential zoning districts,
   cooking shall be for overnight guests and residents only. No cooking facilities shall be allowed in
   guest bedrooms.
- D. Bed and breakfast establishments shall comply with appropriate health permits, building and fire
   codes, and business licenses, including but not limited to a license from the division of hotels and
   restaurants applicable to such use.
- E. In addition to the parking required for the residence, one parking space shall be provided for each guestroom. The City Manager or designee may vary the parking requirement for those properties
  listed on the local register of historic places based on site constraints, including small yards,
  inadequate space for parking, and the availability of on-street parking.
- F. Any sign for a bed and breakfast located in a local historic district or listed on the local register of
   historic places shall be reviewed by the applicable city staff according to the general signage
   regulations and by the Historic Preservation Board in accordance with the preservation design
   guidelines
- 35 guidelines.
- 36 Section 30-5.5. Carwash, Automated or Self-Service.
- All principal and accessory structures used for carwash service shall be located and constructed inaccordance with the following requirements:
- A. When the use is located in an accessory structure, the structure shall not exceed 25 feet in height.

- B. All bay openings shall be oriented away from any property in a residential district (including MH, mobile home residential district) or other existing, conforming residential use.
- C. Bay openings shall be located to the side or rear of the building and shall be screened from the
   street.
- 5 D. All outdoor lighting shall be oriented away from any property in a residential district (including MH, 6 mobile home residential district) or other existing conforming residential use.
- 7 E. All uses shall comply with the requirements of Article VIII for buffering.
- F. Accessory automotive detailing within enclosed parking structures may be allowed consistent with
   Section 30-5.32.
- **10** Section 30-5.6. Community Residential Homes.
- 11 In addition to applicable state licensing requirements, all community residential homes shall meet the 12 following standards:
- 13 A. *Distance requirements*. The following separation distances shall be required between community
- 14 residential homes:

Type of Facility					
Number of Residents	Community Residential Homes (1 to 6)*	Community Residential Homes (7 to 14)*	Community Residential Homes (Over 14)**	Social Service Homes and Halfway Houses**	Residence for Destitute**
1 to 6	1,000′	1,000′	1,000'	N/A	N/A
7 to 14	1,000′	1,200′	1,200'	N/A	N/A
Over 14	1,000′	1,200′	1,320′	1,320'	1,320′

- 15 \*All distances are measured between principal structures.
- \*\*Measured from the nearest property line of the existing facility to the nearest property line ofproposed facility.
- B. *Residents*. Residents of community residential homes shall be limited to those classes of persons
   included in Section 419.001(1)(e), Florida Statutes.

20 Section 30-5.7. Day Care Centers.

- Day care centers shall comply with applicable state and county requirements and the followingstandards:
- A. Loading area. There shall be provided a turnaround driveway or other vehicular area for the safe
   loading/unloading of passengers. The walking distance from the loading/unloading area to the main
   building entrance shall be minimized, and a paved pedestrian path that is at least five feet wide and
   includes marked crosswalks shall be provided between the loading/unloading area and the main
   entrance.
- 28 Section 30-5.8. Dormitories, Small and Large.
- 29 A. Locational requirements. Dormitories are not permitted on sites adjacent to property zoned for

30 single-family use.

#### **1** Section 30-5.13. Gasoline and Alternative Fuel Stations.

Gasoline and alternative fuel stations also include retail petroleum sales at service stations or car
 washes, either separately or in combination with the sale of food or restaurants, or gas pumps as

accessory to a convenience store or restaurant.

- A. Accessory uses. Permitted accessory uses to a gasoline or alternative fuel service station are as
   follows:
- 7 1. Rental of vehicles, provided they are screened in accordance with Section 30-5.39.
- 8 2. Minor adjustments or repairs to automobiles, trucks, trailers or other vehicles that do not
   9 require body work, painting or removal of engines from frames or dismantling of differentials.
   10 No lift or repair facilities shall be located outside the principal structure. Additional adjustments
   11 or repairs at service stations shall only be permitted within zoning districts where major
   12 automotive repairs are a permitted principal use.
- The retail sale of minor automobile parts and accessories, gasoline, diesel fuel, alternative fuels,
   kerosene, lubricating oils and greases.
- Vending machines, provided such machines are located under the roof of the principal structure.
- 17 B. Number of fueling positions.
- 18 1. Within the transect zones, where allowed, up to six fueling positions are permitted by right.
- Within all other zoning districts, where allowed, up to six fueling positions are permitted by
   right, except for stations located within ¼ mile from an interchange, where there may be up to
   12 fueling positions permitted by right.
- Up to 12 fueling positions may be allowed as part of a Planned Development rezoning or Special
   Use Permit process.
- 24 C. Design requirements.
- All fuel pumps and pump islands shall be set back a minimum distance of at least 15 feet from any right-of-way line or property line.
- All gasoline and alternative fuel pumps and accessory automotive uses shall be located to the rear or side of buildings and at least 50 feet from the property line of any property zoned residential district or Planned Development district with predominately residential uses. In the event the physical constraints of the site do not allow such uses to meet these requirements, the uses may be located to the front of the building in order to meet the 50 foot spacing requirement. This design requirement shall not apply in the I-1 or I-2 zoning districts.
- 33 3. The number and width of driveways shall be minimized.
- 34 4. Cross-access or joint use driveways shall be provided to adjacent non-residential developments.
- A minimum of 25% window area or glazing at pedestrian level (between three and eight feet
   above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at
   least 80% transparent.
- A public entrance shall be provided that faces the street (a corner entrance may be provided where the building is located at the intersection of streets).

1 Pedestrian and bicycle access shall be provided from the public sidewalk to any retail or 2 restaurant facilities on site. 3 8. Off-street parking shall be located to the side or rear of the building. 4 9. Canopy height: the bottom surface of a canopy shall not exceed 15 ft. in height. 5 10. Perimeter buffers: sites shall include Type B buffers with a minimum four-foot tall opaque 6 masonry wall or privet type hedge along the side and rear property boundaries to minimize the 7 view of fueling pumps. 8 11. Dumpster location: dumpsters shall be enclosed by a masonry wall and placed as far away from 9 existing, adjacent residential uses as practicable on the site and shall not be less than 50 feet as measured from the residential property line. 10 11 12. Car wash facilities and associated elements such as vacuums shall be prohibited when adjacent 12 to any property in a residential zoning district or a planned development district with 13 predominately residential uses. 14 13. A convenience store or restaurant or combination thereof shall be present when fueling 15 positions exceed six. 16 Section 30-5.14. Industrial Uses. 17 A. Standards for manufacturing uses. All permitted manufacturing uses shall conform to the following 18 standards: 19 Manufacturing uses shall be limited to the fabrication, manufacture, assembly or processing of 20 materials that are already substantially processed. 21 2. All activity and uses except storage, loading/unloading operations and parking shall be 22 conducted within completely enclosed buildings. 23 3. Outside operations between the hours of 9:00 p.m. and 6:00 a.m., including loading/unloading 24 but not including security operations, are prohibited within 100 feet of the property line of any 25 property in a residential zoning district or a planned development district with predominately 26 residential uses, unless conducted within a completely enclosed building that has no openings 27 other than stationary windows or required fire exits. The appropriate reviewing board may grant 28 a waiver to this prohibition if the board finds that the noise attenuation and screening being 29 provided is sufficient to mitigate the adverse impacts of the night operations. 30 B. Hazardous materials. Uses involving Class D hazardous materials, as classified by Alachua County, 31 shall be considered specially regulated industries and shall require Special Use Permit approval. The 32 following apply to uses designated as subject to specially regulated industry provisions: 33 1. Reports. The applicant for a special use permit shall submit information specifying expected air 34 emissions, surface and groundwater emissions, noise levels, truck traffic volumes, including 35 time-of-day levels, odor levels, glare impacts, and the compatibility of these emissions and 36 impact levels with other properties, uses and neighborhoods within 2,000 feet. The report shall 37 indicate that these impacts will not violate local, regional, state, or federal limits. The report shall also indicate that "best available technology" is being used to control impacts from the 38 39 specially regulated industry. 40 2. Exemption. Uses or developments that will result in releases of pollutants to the air and water 41 of no more than 1% of the average release of those pollutants on a list maintained by the city
# Appendix "C"

## **Technical Review Committee Comments**

## TRC Comments and Conditions Changemarks Report

# PB-18-126 SUP Power Stop Service Station

## 29-Nov-18

Status	Department	File	Changemark Subject	Changemark Details	Markup Date	Applic
Unresolved	Real Estate	C4.00 OffsiteImprovementPlan.pdf	Joint County ROW Permit	The water tap in SW 20th Ave will require a Joint County ROW Permit. Once design is approved, please cooridnate	11/08/2018 11:50 AM	
Unresolved	Real Estate	C4.00 OffsiteImprovementPlan.pdf	SW 20th Ave ROW Line	Please show and label the ROW line for SW 20th Avenue so we know which portion of the proposed water main	11/08/2018 11:50 AM	
Unresolved	Real Estate	C4.00 OffsiteImprovementPlan.pdf	Permit Requirements	Please add a note that states the linear feet of water pipe to be installed in County ROW, the material type & size and	11/08/2018 11:50 AM	
Unresolved	Real Estate	C3.10 DetailedUtilityPlan.pdf	See previous comment from PR#1	Please add the existing easement along the east property line to the Utility Plan	11/08/2018 11:32 AM	
Unresolved	Transportation Mobility	C0.00 CoverSheetAndIndex.pdf	Changemark #01	1. Please add to note #21 on sheet C0.00 to say that this development must meet 5 Transportation Mobility	11/08/2018 9:48 AM	
Unresolved	Public Works Constructability	C4.00 OffsiteImprovementPlan.pdf	U Turn areas	In research of the City of Gainesville RoW useage type ordinances, I cannot find where this use would be	11/06/2018 10:47 AM	
Unresolved	Public Works - Design	C2.10 DetailedGradingAndDraingePlan.pdf	Raised sidewalk	This must be a raised sidewalk.	11/05/2018 10:51 AM	
Unresolved	Public Works - Design	C2.10 DetailedGradingAndDraingePlan.pdf	ADA compliance	This does not appear to meet ADA specifications.	11/05/2018 10:51 AM	
Unresolved	Public Works - Design	C4.00 OffsiteImprovementPlan.pdf	"Bulb-ins"	As previously discussed, "bulb- ins" are not permitted.	11/05/2018 10:48 AM	
Unresolved	Public Works - Design	C1.10 DetailedHorizontalControlAndSitePlan.pdf	Access from SW 52nd St.	As previously discussed in an email dated 10/10/18, access to SW 52nd St. will only be permitted where the driveway	11/05/2018 10:34 AM	
Unresolved	Public Works - Design	C1.10 DetailedHorizontalControlAndSitePlan.pdf	"Bulb-ins"	As previously discussed in an email dated 10/10/18, "Bulb- ins" will not be permitted.	11/05/2018 10:34 AM	
Unresolved	Public Works Survey	1of1 Survey.pdf	Changemark #01	also POB Parcel 1 together with found in orb 2152/2511	09/28/2018 1:30 PM	Comment add Survey.



Unresolved	Public Works Survey	1of1 Survey.pdf	Changemark #02	add dimensions for east and south lines	09/28/2018 1:30 PM	Comment addr Survey.
Unresolved	Public Works Survey	1of1 Survey.pdf	Changemark #03	space	09/28/2018 1:30 PM	Comment addr Survey.
Unresolved	Public Works Survey	1of1 Survey.pdf	Changemark #04	I understand this is shown because it is part of your description but perhaps add a note that it is not dimensioned	09/28/2018 1:30 PM	Not shown for a description & til
Unresolved	Public Works Survey	1of1 Survey.pdf	Changemark #01	Five	09/28/2018 12:26 PM	Comment addr Survey.
Unresolved	Planners	C1.00 MasterSitePlan.pdf	MASTER PLAN	1. This is shown as a Master Plan; please clarify. Are there phases? Which sections is requesting development plan	09/25/2018 5:59 PM	The project is n phased. The pla as a "master" p include the enti
Unresolved	Planners	C1.00 MasterSitePlan.pdf	Environmental	1. Please address any environmental concerns and whether therer are any set asides?	09/25/2018 5:59 PM	As we discusse intent moving for preserve the ex species by eithe
Unresolved	Planners	C1.00 MasterSitePlan.pdf	Special Use Permit Criteria	1. Please make sure that all the criteria for a Special Use Permit have been addressed. See Below.	09/25/2018 5:59 PM	Sec. 30-3.24 w August 29, 201 10.3.2 and 10.4 the REVISED 0
Unresolved	Planners	C1.00 MasterSitePlan.pdf	PEDESTRIAN CIRCULATION AT THE MAIN INTERSECTIONS	<ol> <li>Please address pedestrian circulation acrosss the intersecting roadways.</li> <li>A regulated pedestrian</li> </ol>	09/25/2018 5:59 PM	Comment addr Master Site Pla
Unresolved	Planners	LS-2 LandscapePlan.pdf	Landscaping along the north Property Line	1. Please show landscaping along the north property line. There must be a good reason; let's discuss.	09/25/2018 5:45 PM	1.We are unab due to the exist See response comments for f
Unresolved	Planners	E-1 SitePhotometricPlan.pdf	Canopy Lighting	1. Please show the 6-foot limit relative to the canopy and demonstrate that the light intensities are consistent with	09/25/2018 5:20 PM	Notes added to boundary. Pho table corrected correct code se
Unresolved	Planners	E-1 SitePhotometricPlan.pdf	Spill Over on West Property Boundary	1. Please show the spillover light levels on the west property line. Sure there is a good reasong for not showing.	09/25/2018 5:20 PM	Light trespass a indicated on re-
Unresolved	Water-Waste Water	C3.40 WastewaterPlanAndProfile.pdf	Consistency with detailed utility plan	End of GRU maintenance is not consistent with what is on Detailed utility sheet. Keep this one - end of GRU	09/25/2018 12:26 PM	Comment addr WaterwaterPla revision.
Unresolved	Water-Waste Water	C3.10 DetailedUtilityPlan.pdf	Please change tap to read - 12" x 8" wet tap by GRU	Please change tap to read - 12" x 8" wet tap and valve by GRU. Contractor shall be responsible for	09/25/2018 12:22 PM	Comment addr DetailedUtilityP
Unresolved	Water-Waste Water	C3.10 DetailedUtilityPlan.pdf	8" x 2" service saddle	Please change to read - 8" x 2" service saddle.	09/25/2018 12:22 PM	This fitting was revised water n see sheet C3.1 for this revision

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not intended to be lan sheet is labeled plan sheet since it ire limits of the ed with staff, our forward would be to xisting vegetation her:

vas addressed in the 18 report. Policies 4 are addressed in October 2, 2018 ressed. See C1.00 an for this revision.

ble to plant trees here ting Duke easement. to Urban Forestry further explanation. delineate 6ft otometric statistics to demonstrate ection for Canopy at all property lines evised plan.

ressed. See C3.40 inAndProfile for this

essed. See C3.10 lan for this revision.

s removed with the main layout. Please 10 Detailed UtilityPlan n

Unresolved	Water-Waste Water	C3.10 DetailedUtilityPlan.pdf	Water Fitting schedule?	Please include a water fitting schedule.	09/25/2018 12:22 PM	Comment addro with staff that th package blowu
Unresolved	Water-Waste Water	C3.10 DetailedUtilityPlan.pdf	Fire hydrants	For an unsprinkled building needing 2500gallons for fire flow, three hydrants are needed.	09/25/2018 12:22 PM	Comment addro Detailed UtilityF
Unresolved	Water-Waste Water	C3.10 DetailedUtilityPlan.pdf	Private lateral	This is not consistent with Plan and profile sheet which show end of GRU maintenance at the cleanout.	09/25/2018 12:22 PM	Comment addr WaterwaterPlan revision.
Unresolved	Water-Waste Water	C3.10 DetailedUtilityPlan.pdf	End of GRU Maintennce for gravity sewer	Please make End of GRU maintenance at the first cleanout off the main - at edge of PUE. The Plan and Profile	09/25/2018 12:22 PM	Comment addro WaterwaterPlan revision.
Unresolved	Public Works Constructability	C4.00 OffsiteImprovementPlan.pdf	Signing / striping	If this can be allowed (?), provide signing and striping details.	09/25/2018 11:21 AM	Per discussions proposed u-turn modified. See C OffsiteImprover
Unresolved	Public Works Constructability	C1.10 DetailedHorizontalControlAndSitePlan.pdf	U-Turns?	Is this for U-Turns? please provide information that this meets the FDOT roadway design criteria for striping,	09/25/2018 11:18 AM	Per discussions proposed u-turr modified. See C OffsiteImprover
Unresolved	Real Estate	C3.10 DetailedUtilityPlan.pdf	Existing PUE	Show & label existing PUE along east P/L of TP# 06680-3 (adjacent to SW 52nd St)	09/25/2018 9:20 AM	Requested PUE utility plan as re
Resolved	Real Estate	C3.10 DetailedUtilityPlan.pdf	Storm Water Pond	I'd like to see the continuation of the proposed storm water pond shown on this sheet to verify there are no conflicts	09/25/2018 9:20 AM	Please refer to limits of Stormv grading/constru
Resolved	Transportation Mobility	C0.00 CoverSheetAndIndex.pdf	Changemark #01	Please add the ITE numbers of the proposed uses to the traffic statement in note #21 on the cover sheet.	09/24/2018 6:02 PM	Comment addr CoverSheetAnd revision.
Unresolved	Water-Waste Water	C0.00 CoverSheetAndIndex.pdf	12-inch water main		09/24/2018 12:29 PM	
Resolved	Public Works Stormwater	C2.10 DetailedGradingAndDraingePlan.pdf	Top Elevation	Is 83.37' correct??	09/24/2018 10:37 AM	Comment addr DetailedGrading for this revision
Unresolved	Public Works - Design	C1.10 DetailedHorizontalControlAndSitePlan.pdf	50 ft. radius	50 ft. radii are too large for this driveway. 25 ft. or 35 ft. should be used.	09/24/2018 8:53 AM	Driveway radii h to 35 ft. See sh DetailedHorizor an for this revis
Unresolved	Public Works - Design	C1.10 DetailedHorizontalControlAndSitePlan.pdf	Gore striping	The gore striping area is not permitted.	09/24/2018 8:53 AM	Gore striping ha See sheet C1.1 DetailedHorizor an for this revis
Unresolved	Public Works - Design	C4.00 OffsiteImprovementPlan.pdf	FDOT approved	Please provide where this layout meets FDOT design standards.	09/24/2018 8:40 AM	Per discussions proposed u-turr modified. See 0 OffsiteImprover

essed in discussion ne provided water p is sufficient.

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sheet C2.20 for water pond uction.

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mentPlan for this

Unresolved	Public Works Constructability	C2.20 SMFPlan.pdf	Berm and grading off site	How is this being accomplished? Easements? please clarify.	09/21/2018 1:25 PM	A construction coordinated wit property owner of this work.
Unresolved	Public Works - Design	C1.10 DetailedHorizontalControlAndSitePlan.pdf	Alachua County approval	Approval from the Alachua County Public Works Department is required for all work proposed within Alachua	09/18/2018 10:51 AM	Acknowledged.
Unresolved	Gas	C0.00 CoverSheetAndIndex.pdf	Gas	No gas use noted.	09/12/2018 11:01 AM	Acknowledged.
Resolved	Gainesville Fire Rescue Department	C3.10 DetailedUtilityPlan.pdf	Changemark #01	The cover sheet under #9 notes the building is sprinklered. Is this the case? If so please designate FDC	09/10/2018 10:15 AM	Cover sheet ha longer call out f sprinklered.
Resolved	Gainesville Fire Rescue Department	C3.10 DetailedUtilityPlan.pdf	Changemark #02	2. Fire hydrants are required within 500 feet of the most remote portion of all buildings (as measured by way of fire	09/10/2018 10:15 AM	Water main adj made. Two fire within 500 feet 3rd located with
Unresolved	Urban Forestry	LS-1 LandscapePlan.pdf	Street trees	Please include street trees.	09/07/2018 4:35 PM	Trees cannot b Duke easemen proposed trees north as close t
Unresolved	Urban Forestry	LS-2 LandscapePlan.pdf	Street Trees	I understand there are utility conflicts and the Duke easement. Is there the possibility of squeezing in	09/07/2018 4:26 PM	See above resp Architect has co Urban Forestry additional plant
Unresolved	Urban Forestry	LS-2 LandscapePlan.pdf	Terminal landscape island	Please add a terminal landscape island with a shade tree in it outside of the easement.	09/07/2018 4:26 PM	An island has n the required sh provided elsew
Unresolved	Planners	C1.10 DetailedHorizontalControlAndSitePlan.pdf	Pedestrian	<ol> <li>Please show how this ties into the adjacent intersection, both north/south across SW 20th and east/west along SW</li> </ol>	09/25/2018 6:08 PM	Intersection tie- added to the pla along main road increased to 8 f
Unresolved	Planners	C1.10 DetailedHorizontalControlAndSitePlan.pdf	Sidewalk and Bicycle Connection	1. The current roadway design has a bicycle lane but there are no sidewalks. The interior sidewalk from the	09/25/2018 6:08 PM	A roadway shou added at the we proposed sidew the existing sho
Unresolved	Planners	C1.10 DetailedHorizontalControlAndSitePlan.pdf	CONNECTIVITY	1. Please address potential for connectivity to adjacent properties.	09/25/2018 6:08 PM	Future develop curb cut and dr private roadway future developm
Unresolved	Planners	C1.10 DetailedHorizontalControlAndSitePlan.pdf	Pedestrian Circulation	1. Please address pedestrian connectivity to the interior of the site for pedestrianc approaching the site from the	09/25/2018 6:08 PM	Added sidewall proposed buildi Avenue. See sh DetailedHorizon
Unresolved	Planners	C1.10 DetailedHorizontalControlAndSitePlan.pdf	Please address signage	1. Please address signage.	09/25/2018 6:08 PM	No ground mou proposed at this

#### easement will be th the adjacent for the completion

as been revised to no for the building to be

djustments have been e hydrants are located t of the building with a thin 1000 feet. Please be placed within the nt. However, the s have been shifted to the easement as sponse. Landscape coordinated with y Inspector regarding stings to meet parking not been provided but hade trees have been where on the site.

-ins have been lans. Sidewalk width dways has been ft in width. See sheet ulder has been estern limits of the walk to match up with oulder that crosses ments would provide iveway onto the y. No design for ment has been done k connection from ling to SW 20th heet C1.10 ontalControlAndSitePl unted signage is s time.

# Appendix "D"

**Supplemental Documents** 

## **ARTICLE VIII. PROTECTION OF RESOURCES**

## 2 **DIVISION 1. GENERALLY**

3	Sec	tion	30-8.1. Purpose.
4 5 6 7 8 9	A.	Pur hea env ma pre oth	<i>pose</i> . This article is established for the purpose of protecting the immediate and long-term public alth, safety and general welfare by preserving, enhancing, conserving or restoring the natural <i>v</i> ironment and cultural resources. The intent with respect to the urban forest is to establish and intain a sustainable tree canopy in which the healthiest and strongest existing trees are eserved during development, and new high quality shade trees are planted. Development and her activities within the city shall be in accordance with this purpose.
10	В.	Obj	<i>iectives</i> . The provisions of this article are intended:
11		1.	To conserve energy through the cooling and shading effects of trees;
12 13		2.	To conserve water through the preservation of existing natural vegetation, the use of xeriscape techniques, and other water-conserving irrigation and landscape practices;
14		3.	To mitigate nuisances such as noise, glare, heat, air pollution and stormwater runoff;
15 16 17		4.	To preserve, enhance or restore the natural environment through the protection and establishment of native vegetation and existing natural systems for the enjoyment of present and future populations;
18		5.	To promote a linked open space system throughout the city and county;
19		6.	To preserve, enhance or restore the unique aesthetic character of the community;
20 21 22		7.	To mitigate, through buffering, potentially adverse impacts between land uses of differing type and intensity, and to ensure sufficient landscaping within areas designated for multiple-family uses and mixed uses;
23		8.	To assist in controlling vehicular and pedestrian movement to and within developed sites by:
24 25			a. Clearly delineating the boundaries of vehicular use areas, in such a manner that movement, noise and glare do not adversely impact activity in adjoining areas;
26 27			b. Establishing the points of ingress and egress so as to eliminate confusion and to control physical access to the site;
28			c. Establishing the direction of internal vehicular and pedestrian circulation;
29		9.	To prevent personal injury, loss of life and excessive property damage due to flooding;
30 31		10.	To prevent the installation of structures which reduce the flood channel capacity and increase flood heights, the installation of which may cause excessive property damage;
32		11.	To reduce public expenditures for emergency operations, evacuations and restorations;
33		12.	To prevent damage to industries, transportation and utility systems;

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#### 1

1 2 3	13.	To restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
4 5	14.	To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
6 7	15.	To minimize the alteration of natural floodplains, creek channels and natural protective barriers which are involved in the accommodation of floodwaters;
8 9	16.	To minimize or prohibit filling, grading, dredging and other development which increases erosion, sedimentation or flood damage;
10 11	17.	To prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
12	18.	To protect and enhance property values through regulation of the natural resources in the city;
13	19.	To ensure that potential home buyers are notified that property is in a flood area;
14 15	20.	To protect wetlands as areas for the natural storage of surface waters, and their function as a means to reduce pollution;
16 17	21.	To protect and restore the quality of groundwater and surface water through on-site treatment of stormwater runoff;
18	22.	To control the rate and quantity of stormwater discharging from any developed site;
19	23.	To protect groundwater levels;
20	24.	To prevent the breeding of mosquitoes;
21 22	25.	To protect the diverse plant and animal communities found in association with creeks, lakes, uplands, floodplains, nature parks and wetlands;
23	26.	To prevent soil erosion and sedimentation loadings to creeks, lakes and wetlands;
24	27.	To maintain the stability of creek and lake banks;
25 26	28.	To prevent adverse impacts to the water quality of creeks, lakes, wetlands, floodplains, groundwater and uplands;
27	29.	To protect municipal drinking water quality;
28 29	30.	To enhance the aesthetic and tree canopy qualities of significant entryway streets in order to convey the image of the city as "a city in a forest";
30 31	31.	To protect or restore significant entryway streets in order to promote transportation safety and to discourage blight;
32 33 34	32.	To protect the environmental, education and passive recreation functions of public parks and open spaces from nearby development, and, in some instances, to protect nearby development from such public properties;
35 36 37	33.	To protect public park wildlife, vegetation and park uses from potential adverse impacts by nearby land uses. Such impacts can include stormwater pollution, pesticides, noise disturbances, visual unsightliness and light pollution;

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1 34. To encourage development and preservation of a network of greenway transportation corridors 2 throughout the city and county; 3 35. To provide safe, convenient, scenic, historic and nonmotorized transportation linkages between 4 land uses; 5 36. To provide wildlife corridors, and other forms of environmental conservation and environmental 6 education; 7 37. To provide for recreation and access to recreation; 8 38. To provide greenway buffering to protect environmental features and neighborhoods from 9 nearby land uses; 10 39. To preserve biological diversity and viable populations of special protection species dependent 11 on upland, transitional and wetland ecological communities; 12 40. To ensure adequate, safe, economic, reliable and environmentally sound water and wastewater 13 utility services for the public; 14 41. To promote economic development in a manner that will enhance the quality of life; 15 42. To diminish the severity and frequency of southern pine beetle outbreaks in Gainesville by 16 reducing the density of loblolly pines in urban areas; 17 43. To preserve high quality heritage trees, especially where they occur within 20 feet of the public 18 right-of-way; and 19 44. To favor replanting with native species of high quality shade trees, including requiring such trees 20 to be planted in locations that will reintroduce seed sources to adjacent natural communities. 21 Section 30-8.2. General Environmental Performance Standards. 22 A. Applicability. All uses and activities permitted in any zoning district shall conform to the standards of 23 performance described in this section. 24 B. Showing of probable compliance. Uses and activities required to comply with this section shall make 25 a showing of probable compliance with the performance standards described in this section. This 26 showing shall be in the form of a letter submitted with a zoning compliance permit or development 27 plan, as applicable, prepared by a professional engineer licensed by the State of Florida, certifying 28 that the use or activity complies with all performance standards described in this section. 29 1. *Fire and explosion hazards.* All activities and all storage of flammable and explosive materials or 30 products at any place shall be provided with adequate safety devices against the hazards of fire 31 and explosion, including adequate firefighting and fire suppression equipment, as prescribed by 32 the fire prevention code adopted in Chapter 10 of the Code of Ordinances. 33 2. Radiation. All sources of ionizing radiation shall be registered or licensed by the Florida 34 Department of Health. The handling of radioactive materials, the discharge of such materials 35 into air or water, and the disposal of radioactive wastes shall be in conformance with applicable 36 state and federal regulations. 37 3. *Electromagnetic radiation*. Electromagnetic radiation generated by activities shall not adversely 38 affect any operation or equipment other than those of the creation of the radiation. 39 Interference with radio and television reception is prohibited. Equipment or activities generating Composite Exhibit A

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- understory plants and bushes, is protected from pruning and removal except that diseased
   plant material and invasive nonnative species shall be replaced in accordance with this
   section. Where the property is adjacent to a railroad right-of-way or utility easement, these
   areas shall not be substituted for the perimeter landscape area or the required landscaping.
   Where encroachments are made for utility connections, replacement plants appropriate to
   the ecosystem shall be required.
- B. Interior landscaped areas. The interior of any vehicular use area shall also be landscaped in
   compliance with the following:
- Landscape islands, equal to the size of one parking space, shall be located at an average of every
   10 parking spaces. At no time shall a row of parking have landscape islands greater than 126
   feet apart or closer than 36 feet apart. Additionally, terminal landscape islands containing a tree
   shall enclose each row of parking spaces.
- Each required landscape island shall contain at least one high quality shade tree listed on the
   Gainesville tree list as a species appropriate for 'lot' planting. Such tree(s) shall be located within
   the landscaped area to maximize the shading of the pavement.
- All parking lots with two or more rows of interior parking shall contain 8-foot-wide landscape
   strips between the rows allowing for 2-foot vehicle overhangs on each side. Shade trees shall be
   planted every 50 feet on average within these landscaped areas, but outside of the 2-foot
   vehicle overhangs. As an alternative, every other row of head-to-head parking may provide a
   16-foot-wide curbed landscape strip with shade trees every 35 feet on average. As needed,
   these wider landscape strips may contain sidewalks.
- 4. The Development Review Board or City Plan Board through development plan review, or staff
   when only staff review is required, may allow the relocation of interior landscaped areas to
   preserve existing trees, or where it is determined, upon review and recommendation of the City
   Manager or designee, that the relocation is necessary for the safe maneuvering of vehicles or
   pedestrians.
- 27 In those vehicular use areas including but not limited to auto dealerships, storage of service or 28 delivery vehicles, or attendant parking where interior landscaping would interfere with the 29 customary storage or display of vehicles, the Development Review Board or City Plan Board 30 through development plan review, or staff when only staff review is required, may allow some 31 or all of the required interior landscaping to be located near the perimeters of the paved area, 32 including such perimeters which may be adjacent to a building on the site. Such landscaped area 33 would be in addition to required perimeter landscaping in the amount of one square foot of 34 landscaped area for each 60 square feet of paved area. For each 140 square feet of relocated 35 landscaped area, a high quality shade tree shall be provided.
- **36** Section 30-8.5. Compatibility Buffers.
- This section is intended to provide the minimum requirements for separation of land uses of differing type and intensity. The need for a buffer strip between land uses shall not impede the development of appropriate pedestrian and bicycle accessways between these uses. Where such accessways are installed, they shall be landscaped in a manner to clearly delineate such trails and bikeways and also to provide shade trees as appropriate. Where certain uses or combinations of uses are difficult to categorize, as in planned developments or public service facilities, it is the intent of this section that buffering shall be provided which mitigates the impacts of such uses.

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- 1 A. *Required buffer strip areas*. Buffer strips between properties are intended to provide visual
- 2 screening and sound attenuation of more intense land uses from abutting less intense land uses.
- 3 The required buffer type, shown in Chart A below, depends on the land use designation of the
- 4 subject property which is being developed and the land use designations of the abutting properties.
- 5 The required width of the each buffer type and the required amount of shade trees, understory
- 6 trees, and shrubs are shown in Chart B below.

### 7 CHART A. LAND USE BUFFER TYPES

	FU	UTURE LAND USE	DESIGNATION				
Abutting property $ ightarrow$ Subject property $\downarrow$	Single Family Res. Low	Res. Medium Res. High MU Office/Res Office	MU Low MU Medium Urban Core UMU UMU High	Commercial Business Ind.	Industrial	Education Recreation Public Facilities	Agriculture Conservation
Single-Family Residential Low	-	-	-	-	-	-	А
Res. Medium Res. High MU Office/Residential Office	A	-	-	-	-	A	А
MU Low MU Medium Urban Core UMU UMU High	В	А	-	-	-	А	В
Commercial Business Ind.	с	В	А	-	-	В	С
Industrial	с	с	с	В	-	С	С
Education Recreation Public Facilities	А	А	-	-	-	-	А
Agriculture Conservation	-	-	-	-	-	-	-

8

#### 9 CHART B. REQUIRED WIDTH AND PLANTINGS FOR BUFFER TYPES

BUFFER TYPE	MIN WIDTH	SHADE TREES (per 100 linear feet)	UNDERSTORY TREES (per 100 linear feet)	SHRUBS (per 100 linear feet)
А	9'	2	2	20
В	9'	3	2	20
С	15′	3	3	25

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- 1
- B. *Buffer widths*. The appropriate reviewing board, or the City Manager or designee, may require the
  expansion of the minimum width of the buffer strip to ensure that trees will meet separation
  requirements from utility lines, buildings, or paved areas, or to allow for the inclusion of an existing
  high-quality shade tree in the buffer strip.
- 6 C. *Driveways and sidewalks*. The widths of driveways and pedestrian or bicycle facilities that cross
  7 through a required buffer shall be subtracted from the linear feet of buffer length for the purposes
  8 of calculating the number of required plantings in Chart B above.
- 9 D. Existing trees and natural vegetation in buffers. Any regulated, high quality shade trees existing 10 within the minimum required buffer width shall be protected in accordance with Section 30-8.8. 11 Credit for preserving existing trees shall be applied in accordance with this Article. High quality 12 heritage trees within buffer areas should be preserved with the area underneath the canopy dripline 13 protected. Sidewalks and bicycle access infrastructure may be permitted within the protection zones 14 of a high quality heritage tree but not within the root plate. Natural vegetation, if it achieves a 15 continuous 75% opacity for 10 months of the year, may be substituted for the required shrubs. If a 16 buffer that preserved existing vegetation is subsequently cleared by the property owner or when 17 permits for tree removal are granted post-development, then the required shrubs and trees in 18 accordance with this section shall be required.
- E. *Invasive nonnative vegetation in buffers*. All buffers shall be maintained to remove invasive
   nonnative plant species and curtail natural regeneration of seedling loblolly and slash pines. The
   density of loblolly and slash pines in a natural buffer should be managed so the remaining pines
   grow no closer than 25 feet and seedling regeneration is curtailed.
- F. Sound attenuation. The reviewing board, or City Manager or designee, may address the need for
  sound attenuation of certain equipment, such as refrigeration units, motors, fans, power tools, etc.,
  or uses such as loading, vehicle repair, outdoor recreation, etc., by requiring a study, prepared by a
  licensed engineer or architect, to address the potential for a noise disturbance to be transmitted to
  adjacent properties by the proposed use, and may require the installation of a wall, fence or berm in
  addition to required landscape material. The wall, fence or berm may be located within the required
  buffer or directly around the equipment or use which requires sound attenuation.
- G. Street trees. Street trees shall be planted along the sides of all streets within a development and on
  the development side of any contiguous street. Street trees shall be planted for every 30 to 50 feet
  of street frontage, depending on the canopy area needed for the tree species. The widths of
  driveways along a street shall be subtracted from the linear feet of street frontage length for the
  purposes of calculating the number of required street trees. In no case shall trees be spaced closer
  together than 25 feet or farther apart than 60 feet. Alleys are exempt from this requirement for
  street trees.
- Street trees shall be high quality shade trees and shall be planted in tree lawns with a minimum width of 8 feet, or within tree wells with minimum 4-foot by 4-foot surface openings.
- a. On-street parking spaces may be located between street trees, as long as the required
  number of trees is planted along the street frontage and the minimum rootzone volume is
  provided for each tree.
- 42 b. Tree wells may be enclosed with pavers or other hardscape materials above the required
  43 rootzone volume. The City Manager or designee may determine if installation of an

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- 1aeration system is necessary to conduit water and oxygen to the roots of trees within tree2wells.
- 2. Where possible, street trees shall be planted between the street and the public sidewalk. Street
  trees may be planted between the sidewalk and adjacent buildings only where the location of
  existing or proposed utility lines along the street, or the clear zone requirements of the public
  works department or other maintaining agency, prevent the location of trees between the
  street and sidewalk. Where street trees are approved to be planted between the sidewalk and
  adjacent buildings, the trees may be located as close as 5 feet away from building face.
- 9 3. The reviewing board, or the City Manager or designee, may require the adjustment of the
   prescribed build-to line in order to accommodate the required street trees and ensure that the
   trees will meet separation requirements from utility lines, buildings, and paved areas.
- Where possible, developments shall be designed to preserve as street trees any existing
   champion or high quality heritage trees which are located in the right-of-way or on private
   property within 20 feet of the right-of-way. Where these trees are preserved, no new
   construction or grading shall occur within the tree root plate, and new buildings shall be
   designed so that no more than 25% of the crown of the trees is removed. The area underneath
   the canopy of the preserved trees shall be exempt from tree planting requirements, and the
   required distances between street trees may be modified.
- A minimum 10-foot separation shall be provided between street trees and street stormwater
   inlets, except where bioretention inlets that incorporate trees are utilized.
- Where the required street trees would overlap with trees that are required to satisfy perimeter
   landscaping requirements for vehicular use areas, only the requirements for the vehicular use
   area shall be met.
- 24 H. Parking structures along a street. Except at points of ingress and egress, and except as required in 25 Article IV for transect zones, parking structures shall provide a 10-foot-wide landscaping strip 26 between the public sidewalk and the structure, which is designed to screen automobiles from 27 pedestrians on the street. This strip shall be planted with evergreen shade trees at an average of 28 four trees for every 100 feet of the linear distance of the street frontage of the structure, excluding 29 the width of driveways. The required trees shall be supplemented with a continuous line of shrubs. 30 This landscaping strip is required when the ground floor use is parking, but is not required where 31 parking structures are shielded from the street by liner buildings or provide office or commercial 32 uses along the first floor street frontage.
- **33** Section 30-8.6. Stormwater Management Areas.
- A. All stormwater basins shall be designed and landscaped to meet the following criteria:
- Shade trees shall be planted at an average of one tree for every 35 linear feet of the basin perimeter. Spacing of trees may be closer when trees are planted in groups for aesthetic effect, but the minimum distance between the trees shall be 10 linear feet. Trees shall be selected from the Gainesville tree list that are appropriate for use within stormwater areas, and all landscaping shall be selected according to the function as a wet or dry basin. Trees shall be located at least 20 feet away from inflow and outflow structures. Bioretention swales and exfiltration facilities are exempt from these tree planting requirements.
- 42 2. 25% or more of the basin perimeter or littoral zone shall be landscaped with shrubs,
- 43 groundcover, native perennials, or aquatic plants.

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- B. Individual stormwater basins that are greater than 5,000 square feet in total area shall be designed
  with curvilinear sides that mimic a natural wetland, lake, or stream. The landscaping for these
  basins shall be integrated with the other required site landscaping.
- C. Individual stormwater basins that are greater than 40,000 square feet in total area shall also be
   designed to meet at least one of the following criteria:
- Provide a recreational or functional pathway for pedestrians or bicyclists and an aesthetic focal
   point such as a water feature or pedestrian structure; or
- 8 2. Be designed to preserve and incorporate a significant tree or tree grouping; or
- 9 3. Be designed to maintain an existing wetland function or to preserve or establish habitat for10 native animal species.
- **11** Section 30-8.7. Permits for Tree Removal; Mitigation.
- A. *Removal or relocation permits*. Except as provided below, no living regulated tree may be removed
   or relocated without a removal permit and mitigation as provided for in this section. Only the tree
   advisory board may approve or deny the removal, relocation or replacement of champion trees.
- 15 B. Exemptions.
- On property with single-family dwellings, permits shall be required only for the removal of
   champion or heritage trees.
- Removal of loblolly or slash pines less than 20 inches in diameter from a natural or naturalized landscape shall not require mitigation planting, unless the removals result in a uniform tree density on the site of less than one tree per 900 square feet of unpaved area. Where resulting tree density would be less, sufficient mitigation trees meeting the standard of Section 30-8.10 shall be established to achieve the specified minimum density.
- Removal of regulated trees in connection with ecosystem management or restoration on parcels
   with conservation easements, in conservation management areas or on parcels managed as
   nature parks or preserves, provided the following criteria are met:
- a. A plan for the removal and revegetation of the area has been approved by the City Manager
  or designee;
- b. The only trees that may be removed are of the following species: Loblolly Pine, Slash Pine,
  Water Oak, Laurel Oak, Sweetgum, Sugarberry, and any species not native to Alachua
  County;
- 31c.The tree removal is being done in furtherance of restoration of a natural community or32communities appropriate to the site as indicated by soils, remnant vegetation, and33hydrological and geological conditions;
- 34d. The applicant has demonstrated that after the removals, the land will be maintained in a35manner that promotes the continuation of the restored natural community; and
- 36 e. The plan has been approved by the nature centers commission.
- For the immediate protection of the health, safety, or welfare of the public, trees may be
  removed without obtaining a permit in advance. However, the property owner or its authorized
  agent shall file a permit application during the next city work day. Permit approval shall be
  granted, provided the trees removed are mitigated in accordance with this code.

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- C. Methods of mitigation. Mitigation shall be allowed by two methods, mitigation trees (on an inchfor-inch basis or as otherwise specified) and mitigation payment. The amount of mitigation is as specified in Subsections D. and E. below.
- 4 1. Mitigation trees shall be of high quality shade species as identified on the Gainesville tree list 5 and sited in accordance with the requirements of Section 30-8.3.A. The installation of new trees 6 for a development as required by this chapter may count as mitigation for trees removed from 7 the site, except where those removed trees are of a high-quality species. Increasing the 8 diameter of trees required to be planted with a development shall not be used to meet 9 mitigation requirements. The preference is for mitigation trees to be planted on the site, but 10 where it is demonstrated that no space is available, mitigation trees may be planted offsite within City limits. In these instances, the required mitigation trees may be established on a 11 12 different site within the city limits approved by the City Manager or designee, or the City 13 Manager or designee may allow a payment in an amount to be made to the city tree mitigation 14 fund equivalent to the cost of the trees that would have been purchased.
- 15 2. Mitigation payment shall be based on tree appraised value, or as otherwise specified in this 16 code. Payment shall be made prior to the approval of a final development order, or prior to 17 issuance of a certificate of occupancy for any development requiring only building permits. 18 Mitigation payments received by the City shall be deposited in the City tree mitigation fund. 19 This fund may be used for new tree plantings associated with public improvement projects or 20 for the preservation of trees through the purchase of conservation lands, but shall not be used 21 for tree maintenance or toward the installation of new trees that would already be required for 22 a development.
- 23 D. Removal and mitigation of regulated trees subject to subdivision or development plan approval. 24 When tree removal or relocation is contemplated in conjunction with any development requiring 25 approval of a development plan or subdivision plat, such removal or relocation shall be considered 26 and either approved or denied at the same time a development plan or plat is approved or denied, 27 based upon the criteria specified in Subsection F of this section. No separate tree removal permit is 28 required. All of the required plans, data or other information required with the application shall be 29 included on the proposed development plan or on the supporting documents submitted with the plan or the plat. The following requirements apply: 30
- Decisions on tree removal shall be based on a tree survey or a qualitative tree survey. The
   landscaping plan shall show all trees to be preserved, provide for protective tree barriers that
   meet the requirements of Section 30-8.8, and specify the details of the mitigation required in
   this section.
- Construction drawings shall be submitted to the building department and application for
   building permits made before any trees are removed.
- 37 3. After a certificate of occupancy has been issued for a development, any additional tree removal
  38 shall require either a tree removal permit or a development plan amendment. Failure to obtain
  39 a tree removal permit before removing or relocating any existing regulated tree or any tree that
  40 was planted to comply with the approved development plan shall be subject to the measures for
  41 enforcement specified in Section 30-8.43.
- 4. The requirements for mitigation of regulated trees approved for removal as part ofdevelopment plan or subdivision plat review are as follows:
- 44

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CATEGORY	MITIGATION
High quality heritage trees, in fair or better condition	Mitigation payment based on tree appraised value, limited to three trees per acre averaged over the entire site. If more than three trees per acre in this category are located on the site then the trees with the highest tree appraised value throughout the site shall be used to calculate the payment. High quality heritage trees proposed for removal in excess of the overall average of three per acre shall require mitigation trees on an inch- for-inch on a diameter basis.
Heritage trees of other than high quality species, in fair or better condition	Mitigation trees on an inch-for-inch diameter basis.
Any heritage trees in less than fair or better condition; and any other regulated tree	Mitigation trees consisting of two trees of high quality shade species established for each tree removed.

E. Removal and mitigation of regulated trees not part of subdivision or development plan approval. Any
 person desiring to remove or relocate a regulated tree, except tree removal approved as part of
 subdivision or development plan approval, shall file a tree removal permit with the City Manager or
 designee. As a condition to granting a permit, the applicant shall mitigate each tree being removed.
 The following requirements apply:

- 6 1. Permit applications shall include the name of the property owner, address from which tree will 7 be removed, tree species and diameter, and reason for removal of the tree. The permit 8 application shall be signed by the property owner and, if applicable, its authorized agent. 9 Applications for tree removal shall also include a scaled drawing of the site showing tree size 10 and location, and a statement of how any other regulated trees are to be protected during any 11 approved tree removal and any associated construction or clearing, or grade changes. The City 12 Manager or designee shall attempt to verify the information contained in the application and 13 shall either approve or deny the application as to each regulated tree proposed to be removed.
- Where construction is associated with the tree removal, construction drawings shall be
   submitted to the building department and application for building permits made before any
   trees are removed.

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3. The requirements for mitigation of regulated trees not associated with development plan or subdivision plat review are as follows:

CATEGORY	MITIGATION
Single-Family Dwellings	
High quality heritage trees, in fair or better condition, wherever they are located on the property.	Mitigation trees on an inch-for-inch diameter basis, with a minimum of two shade trees of high quality species planted on site for each tree removed.
Heritage trees of other than high quality species and high quality heritage trees in less than fair or better condition, wherever they are located between the	Mitigation trees consisting of two shade trees of high quality species planted on the site for each tree removed.

property lines and legal setbacks.	
All Other Uses	
High quality heritage trees, in fair or better condition.	Mitigation payment based on tree appraised value, and mitigation trees consisting of a minimum of two shade trees of high quality species planted on site for each tree removed.
Heritage trees of other than high quality species, in fair or better condition; and high quality heritage trees, in fair or better condition, which are causing structural problems to buildings or underground utilities.	Mitigation trees on an inch-for-inch diameter basis, with a minimum of two shade trees of high quality species planted on site for each tree removed.
Any heritage trees in less than fair or better condition; and any other regulated tree.	Mitigation trees consisting of two shade trees of high quality species planted on the site for each tree removed.

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F. *Permit approval criteria*. Removal or relocation of a regulated tree may be approved by the
 reviewing board, City Manager or designee based upon one of the following findings, which shall be
 supported by competent substantial evidence provided by the applicant:

- 5 1. The tree poses a safety hazard or has been weakened by disease, age, storm, fire or other injury;
- 6 2. The tree contains a disease or infestation that could spread to other trees;
- The tree prevents the reasonable development of the site, including the installation of solar
   energy equipment or the installation or replacement of utility lines;
  - The tree is causing or is likely to cause structural damage or problems to buildings or underground facilities due to excessive root or trunk growth, or soil expansion and contraction caused by uneven water uptake; or
- The tree should be removed for some other reason related to the public health, safety or
   welfare. This finding cannot serve as the sole basis for removal of high quality trees.
- The City Manager or designee may require the applicant to provide verification of the findings in the form of a written report signed and sealed by an appropriate licensed professional within the State of Florida. Regulated trees shall not be removed, damaged or relocated for the purpose of installing, replacing or maintaining utility lines and connections unless no reasonably practical alternative is available, as determined by the City Manager or designee. Where a tree may be preserved by cutting the tree roots instead of removing a tree, that strategy shall be preferred.
- G. Natural emergencies or disasters. In the case of natural emergencies or disasters such as hurricanes,
   windstorms, floods or other disasters, issuances of permits for the removal of damaged trees may
   be waived by the City Manager or designee. Such waiver may not be for an indefinite period and
   shall expire when the City Manager or designee determines that emergency conditions have ended.

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- H. Commercial tree removal permits. Commercial tree removal permits may be granted for the removal
   of trees associated with forestry management, tree harvest and other similar commercial purposes
   in accordance with the requirements of this subsection.
- Applicability. Commercial tree removal permits may be requested in lieu of other tree removal permits required by this section where no development of the property is intended. Where development of the property is planned, the petitioner shall address tree removal within the development plan review or normal tree removal processes.
- Permit granting authority. The City Manager or designee or the Development Review Board
   have authority to grant commercial tree removal permits as described below.
- Receipt of request. Owners of property may request the appropriate authority to grant a permit
   for the commercial removal of trees by filing such an application with the city, on forms supplied
   by the city, together with the appropriate fee. The request shall be accompanied with the
   following information supplied by the applicant:
- 14 a. Suitability of the trees for harvest.
- 15 b. Harvesting methods to be used.

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- 16 c. Sedimentation and erosion control measures to be used.
- d. Plan of property showing location of required buffers next to water bodies and property
  lines and tree canopy to remain as applicable.
- 19 e. Tree protection measures for trees to remain.
  - f. Species of trees to be used for replacement.
- 21 4. *Notice*. Whenever a property is under consideration for a permit, except any property 22 designated agriculture on the future land use map, all owners of property adjacent to the 23 property shall be given notice by mail. Such notice shall be mailed at least 15 calendar days prior 24 to the granting of the permit. For the purpose of this notification, an owner of property shall be 25 deemed to be the person who, by his/her address, is so shown on the tax rolls of the city. If any 26 such property is part of the common area of a condominium, notice shall be sent to all of the 27 condominium unit owners as shown on the latest tax rolls. Additionally, the property under 28 consideration shall also have a sign posted at least five calendar days prior to the date the 29 permit is to be granted. The sign shall specify that the property is under consideration for a 30 permit allowing tree removal for commercial purposes and specify the date the permit is to be 31 granted.
- *Procedure for review*. If less than 20% of the noticed property owners file a written objection to
   the proposed tree removal within 15 calendar days of the mailing of the notice, the commercial
   tree removal permit may be issued provided all other provisions of this section and this chapter
   have been met.
- a. If 20% or more of such noticed property owners file a written objection within 15 calendar
  days of the date of mailing of the notice, the Development Review Board shall hold a public
  hearing in accordance with its rules. The Development Review Board, in deciding whether to
  approve or disapprove the application, shall consider the factors delineated in Subsections
  H.7. and 8. of this section.
- b. Parcels designated agriculture on the future land use map. All applications for tree removal
  on such parcels shall be reviewed by the City Manager or designee, who, in deciding

1 2 3		whether to approve or deny the application, shall consider the factors delineated in Subsections H.7. and 8. of this section. Appeals of the decision of the City Manager or designee shall be made in accordance with provisions for appeal as provided in this chapter.
4 5 6 7	6.	Action on application. Upon receipt of a completed application and following the notice period specified above, or after the permit has been granted after a hearing under Subsection H.5., the City Manager or designee will issue the commercial tree removal permit, except as may be modified below, with the following conditions:
8 9 10 11		a. Unless otherwise specified herein, trees will be removed according to best management practices, as specified in "A Landowner's Handbook for Controlling Erosion from Forestry Operations," published by the state department of agriculture and consumer services, division of forestry, or subsequent manuals on file with the public works department.
12		b. No regulated tree shall be removed and no logging road shall be constructed:
13		i. Within 35 feet of the break in slope at the top of the bank of any creek;
14		ii. Within 35 feet of the landward extent of a lake or wetland; or
15		iii. Within a designated conservation management area.
16 17 18 19		This requirement may be waived where crossing of the creek by a bridge is necessary to access the property where trees are to be removed. Such waiver shall be limited to the area necessary to construct the bridge. For the purposes of this subsection, creeks shall be those identified by the surface water district provisions of Article VIII.
20 21		c. Following removal of the trees granted by the permit, the petitioner shall within 18 months provide for reforestation of the site by one of the following means:
22 23 24		i. Where forestry or other agricultural use of the property is to continue in the conservation or agriculture districts, pine seedlings or other forestry or agricultural crops, including pasture, may be planted.
25 26 27 28 29 30		ii. Where forestry use is to be abandoned or in districts where it is not a permitted use, replacement of trees shall be required as per this Article. This requirement may be waived when an adequate number of trees of appropriate size and species remain on- site to meet this requirement and are certified by the City Manager or designee to be in good health and free from damage caused by harvest operation which may result in the death of the tree.
31 32		d. All invasive nonnative tree species listed in Section 30-8.3 may be required to be removed from the property.
33 34 35 36 37 38	7.	Imposition of additional conditions. The City Manager or designee or Development Review Board, as appropriate, may impose other reasonable conditions where need is demonstrated. Such conditions may include restrictions on percentage of canopy removed or the prohibition of tree removal from certain portions of the site under consideration. The City Manager or designee, or Development Review Board, as appropriate, shall be guided by, but not restricted to, the following criteria in imposing such additional conditions:
39		a. The need to provide buffers to adjacent developed property;
40 41		<ul> <li>The need to protect soils highly susceptible to soil erosion as identified by the soil survey of the county;</li> </ul>

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- 1 c. The need to protect slopes in excess of 10%, particularly near creeks and other bodies of 2 water; 3 d. The need to protect existing wetlands, floodplains and flood channels and other 4 environmentally sensitive areas as shown on existing maps, photographs and other reliable 5 and available sources; and 6 e. The need to preserve endangered, threatened or special concern animal and vegetative 7 species, habitats and communities, rare hardwood hammocks or champion trees as 8 identified from competent sources. 9 8. *Removal of trees specifically planted or managed for harvest*. Where environmental and other 10 factors limit the removal of trees on 75% or more of the site under consideration, the commercial tree removal permit may be denied. However, factors identified above may not be 11 12 used to unduly prohibit the harvest of trees where it is demonstrated that the trees to be 13 harvested were specifically planted for that purpose. 14 Section 30-8.8. Tree Preservation During Development and Construction. 15 A. Barriers required. Prior to clearing, demolition, or other construction activities, the City Manager or 16 designee or reviewing board shall determine which trees, if any, require protection. Protective 17 barriers shall be constructed, as necessary, to prevent the destruction or damaging of regulated 18 trees that are located within 50 feet of any construction activity or storage of equipment and 19 materials. Trees identified for preservation which are destroyed or severely damaged shall be 20 mitigated in accordance with Section 30-8.7 prior to issuance of a certificate of occupancy or use. To 21 avoid conflicts between barrier placements and demolition and construction activities, barriers shall 22 be drawn to scale on the demolition, grading and paving sheets of the development plan. 23 B. Barrier zones. All regulated trees in areas of demolition or construction that have not been 24 permitted nor designated for removal by either the terms of the permit or approved development 25 order shall be protected by barrier zones erected and inspected prior to construction of any 26 structures, road, utility service or other improvements. Barricades shall comply with the following: 27 1. Protective barriers shall be plainly visible and shall create a continuous boundary around trees 28 or vegetation clusters in order to prevent encroachment by machinery, vehicles or stored 29 materials. To further protect tree roots, a layer of wood chips at least 8 inches thick shall cover 30 the soil within the barricade. Barricades shall be at least three feet tall and shall be constructed 31 of either wooden corner posts at least two by four inches buried at least one foot deep, with at 32 least two courses of wooden side slats at least one by four inches with colored flagging or 33 colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored 34 mesh construction fencing attached. High quality heritage trees shall be protected by galvanized 35 chain link fencing a minimum of 48 inches high, 11.5-gauge wire, 2-3/8 inch mesh size secured 36 with 1-7/8 inch line posts no further than 10 feet apart secured at a depth of 3 feet below soil 37 line. Corners shall be secured with 2-3/8 inch line posts secured to a depth of 4 feet below soil 38 line. 39 2. Barriers shall be placed at the greater of the following: 40
- 40a. At or outside the dripline for all heritage and champion trees and all regulated pine and41palm trees;
- 42 b. At a minimum of two-thirds of the area of the dripline for all other regulated species; or

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- 1 c. At the tree root plate.
- 3. If complying with the above placement of barriers is found to unduly restrict development of the
  property, the City Manager or designee, or the appropriate reviewing board may approve
  alternative barrier placements or methods of protection provided that at least 50% of the area
  under the canopy dripline remains undisturbed (no grade change or root cut) and further
  provided that there shall be no disturbance to the tree root plate. Protective barriers may not
  be removed or relocated without such approval.
- 8
   4. No trenching allowed within the protective barrier zone. Hand dig to install utility if approved by 9
   City Manager or designee. Where roots greater than one inch in diameter are damaged or 10
   exposed, they shall be cut cleanly and re-covered with soil within one hour of damage or 11
   exposure.
- Protective barriers shall remain in place and intact until such time as landscape operations
   begin. If construction needs dictate a temporary removal (for less than 24 hours), the City
   Manager or designee, may approve or deny the temporary removal of protective barriers.
- Landscape preparation in the protected area shall be limited to shallow discing of the area.
   Discing shall be limited to a depth of 4 inches unless specifically approved otherwise by the City
   Manager or designee.
- No building materials, machinery or harmful chemicals shall be placed within protective barriers,
   except short-duration placements of clean fill soil that will not harm the tree. Such short duration placements shall not exceed seven calendar days. The City Manager or designee shall
   be notified of the dates the short duration placement will begin and end. The original soil grade
   that existed within the protected areas prior to the placement of such fill shall be restored.
- 8. The American National Standards Institute A-300 Part V: Management of Trees and Shrubs
   During Site Planning, Site Development, and Site Construction or other nationally recognized
   arboricultural standards approved by the City Manager or designee shall be used as guidelines
   for tree protection, planting, pruning and care during development and construction.
- C. *Preservation generally*. Trees may be preserved on development sites in locations where a new tree
   would be required. Credit for the preservation of such a tree will be given if the requirements listed
   below are met. During construction, if the requirements are not being met and/or the preserved
   tree is unlikely to survive in satisfactory condition, the owner shall apply for a tree removal permit in
   accordance with the requirements of this code.
- 32 1. 50% of the area within the dripline of the tree shall be naturally preserved, both above- and 33 below-ground. Under no circumstances shall permission be given for any construction activity 34 within the tree root plate. The 50% protection zone shall include the entire tree root plate. 35 Landscape materials are permitted within the 50% protection zone but not within the tree root 36 plate. Within the 50% protection zone there shall be no alteration to the existing grade, no 37 trenching or cutting of roots, and no storage of materials or fill. No heavy equipment shall be 38 permitted within the protection zone. All work shall be done by hand. There shall be no 39 compaction of the soil, as from heavy construction equipment, and no concrete, paint, 40 chemicals or other foreign substances placed within this protection zone.
- 41 2. The City Manager or designee may approve paving blocks within the protection zone, provided
  42 that all work is done by hand (no machinery), and that the soil area under the pavers is not
  43 compacted beyond the bulk density limits of 1.40 g/cc in clay, 1.50 g/cc in loam, or 1.70 g/cc in

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- sand. No lime rock or other material shall be used underneath the pavers. Pavers may not be
   placed within the tree root plate.
- There shall be no evidence of active insect infestation potentially lethal to the trees and no
   damage from skinning, barking or bumping.
- 4. The root plate of regulated trees within the public right-of-way should not be impacted by
  adjacent development, even where the tree root plate encroaches on the private property. The
  installation of new utilities or improvements to public utilities required to serve the
  development should not require the removal of trees on the public right-of-way, where the
  required separations from the utilities can be met.
- If any preserved tree is not alive and healthy three years after the certificate of occupancy is
   granted, it shall be removed and replaced with the tree or trees which originally would have
   been required by this code. The area that was preserved to accommodate the preserved tree
   shall be maintained in an unpaved condition and the replacement trees established in this area.
- The city shall maintain, and make available to the public, descriptions and illustrations of tree
   preservation and protection practices which will assist in assuring that preserved trees survive
   construction and land development.
- D. Inspections. The City Manager or designee shall conduct periodic inspections of the site before work
   begins and/or during clearing, construction and/or post-construction phases of development in
   order to ensure compliance with these regulations and the intent of this section.
- E. Denial; conditions. The reviewing board or City Manager or designee may deny a proposal for
   development because one or more champion or high quality heritage trees have not been preserved
   or adequately protected, or may require special conditions of approval that may include but are not
   limited to the following:
- 24 1. Requiring the trees to be protected with chain link barricades.
- Requiring a soil aeration system in the vicinity of tree roots as needed, particularly where fill will
   be added over roots of preserved trees or where compaction may reduce the availability of
   water and oxygen to tree roots.
- 28 Section 30-8.9. Installation and Maintenance of Landscape Materials.
- 29 A. Installation.
- Quality. All plants shall be Florida Nursery Grade Number 1 or better, according to the Florida Department of Agriculture Division of Plant Industry Grades and Standards for nursery plants.
   They shall be healthy, disease-free and pest-free, and hardy for the North Florida region.
   Nursery invoices or labels shall clearly specify that Grade Number 1 or better plants were purchased for installation.
- 2. *Tree size*. Trees shall have a minimum height of 7 feet and a minimum trunk caliper of 2 inches.
  Trees shall be in minimum 30-gallon containers or field-grown material shall have a ball
  diameter of at least 28 inches. Trees shall have healthy root systems that have been pruned
  according to the Florida Grades and Standards best practices. Trees shall be at least 7 feet tall
  with a trunk caliper of 2 inches (+ or <sup>-</sup> ½ inch) and grown in a 15 gallon container. Tree species
  shall be selected from the Gainesville tree list with estimated size at maturity at least as large as
  the tree being replaced.

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Common Name	Scientific Name	Mature Urban Height	Est. Crown (20 Yr)	Avg. Spread (35 Yr)	Native	High Quality Shade	OK Under OHL	Street Buffer	Trees in Natural Buffer	Lot	Gate	Wet/Dry	Retention Basins
(Logwood)	Congestum												
Yew, Florida	Taxus floridana	15'	8'	12'	х				х				

1 U= Understory S = shade trees in Street Buffer column

- 2 Mature Urban Height refers to the expectation for trees planted in urban condition.
- 3

## 4 DIVISION 3. NATURAL AND ARCHAEOLOGICAL RESOURCES.

#### 5 Section 30-8.11. Generally.

- A. *Purpose and intent*. Natural and archaeological resources within and around the City of Gainesville
   provide environmental and social benefits and functions, such as water quality improvement, flood
   storage and attenuation, erosion control, biological diversity, and groundwater recharge, along with
   recreational, aesthetic and educational opportunities for people. It is the purpose and intent of this
   section to:
- Protect, conserve and restore natural and archaeological resources, and their environmental
   functions, which are of aesthetic, ecological, economic, educational, historical, recreational, or
   scientific value to the city and its citizens;
- Preserve the ecological values and functions of significant natural communities, in order to
   maintain and enhance the diversity and distribution of native plant and animal species,
   especially for species listed for protection by state and federal agencies;
- Conserve, enhance, and manage the ecological integrity of natural systems that have aesthetic,
   ecological, economic, educational, historical, recreational, or scientific value due to the
   interrelationships within the ecosystem and its natural communities, and among the
   populations of species within the communities;
- 4. Promote connectivity and minimize fragmentation of natural systems, and to protect wetlands,
   floodplains, and associated uplands in a broad systems context through resource-based planning
   across multiple parcels rather than by individual parcel;
- Provide a greater degree of protection for strategic ecosystem resource areas in recognition that
   the larger resource areas within strategic ecosystems provide the broadest range of benefits,
   functions, and values listed above;
- Provide protection for Floridan aquifer high recharge areas, and for archaeological and
   geological resources, which are significant due to the interrelationships of natural or cultural
   resource values, characteristics, or due to unique hazards or vulnerabilities posed by developed
   land uses;
- Avoid loss or degradation of such benefits and functions, to minimize unavoidable degradation
   or loss of benefits and functions and to require sustainable mitigation that fully offsets any
   unavoidable loss or degradation of such benefits and functions; and

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- 8. Ensure that development activities that cause the unavoidable degradation or loss of benefits or
   functions provided by these resources are clearly in the public interest before approval of same.
- B. It is unlawful for any person to adversely impact any natural and archaeological resource regulated
  under this chapter without first obtaining the required natural and archaeological resources review
  and approval in accordance with these regulations. In addition to the regulations set forth in these
  sections, there may be other regulations within the City Code of Ordinances and the Alachua County
  Code of Ordinances that are applicable, including but not limited to:
- 8 1. Water quality code Chapter 77, Alachua County Code
- 9 2. Hazardous materials management code Chapter 353, Alachua County Code
- 10 3. Wellfield protection zone City Land Development Code
- 11 4. Surface waters and wetlands City Land Development Code
- 12 5. Landscape and tree management City Land Development Code
- 13 6. Historic preservation/conservation City Land Development Code
- 14 7. Stormwater management City Land Development Code
- 15 C. Scope of review. The following types of applications shall be reviewed to determine whether
   proposed development impacts a regulated natural or archaeological resource and if so, whether
   the proposed development complies with the Comprehensive Plan, the Land Development Code and
   other applicable law with respect to regulated natural and archaeological resources:
- 19 1. Future land use map amendments (including large-scale and small-scale);
- 20 2. Rezonings and amendments to rezoning ordinances;
- 21 3. Development plans;
- 22 4. Subdivisions/plats;
- 23 5. Special use permits;
- 24 6. Commercial tree removal permits; and
- Other development applications; including but not limited to special exceptions and variances,
   but excluding building permits.
- D. *Exemptions*. The following activities are exempt from review of impacts to regulated natural or
   archaeological resources. Such activities may, however, require a permit or review under other
   applicable sections of the Land Development Code.
- *Certain small parcels of record*. Any parcel of record as of November 13, 1991, that is less than
   or equal to five acres in size, and does not contain listed species, and does not include in whole
   or in part an archaeological site identified by a Florida Master Site file number. However, this
   exemption does not apply in the event the planning parcel equals or is greater than five acres in
   size.
- Bona-fide agriculture/silviculture activities. Ongoing bona fide agriculture or silviculture
   operations. However, for bona fide agricultural or silvicultural activities that are part of an
   application in Subsection C above and located within strategic ecosystems, identification and
   verification of best management practices shall be required as follows in order to remain
   exempt from resource review. All references to statutes, publications and rules in this

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1 2		suł tim	osec ne.	tion	refer to the most current version, as may be amended or renumbered from time to
3 4 5 6		a.	The the and inc	e ow e use d wa ludii	mer or operator shall submit to the city a signed statement identifying and verifying of current applicable best management practices. The most recent federal, state, ter management district best management practices (BMPs) shall be required, ng, but not limited to, the following:
7 8 9			i.	Bes and (FD	It Management Practices for Silviculture (2003), incorporated in Rule 5I-6.002, F.A.C., d available from the Florida Department of Agriculture and Consumer Services DACS).
10 11			ii.	BM FD/	IPs for Agrichemical Handling and Farm Equipment Maintenance (1998), published by ACS and FDEP.
12 13			iii.	Wa Cat	ter Quality BMPs for Cow/Calf Operations (1999), published by the Florida tleman's Association.
14 15			iv.	Wa Agi	ter Quality/Quantity Best Management Practices for Florida Vegetable and onomic Crops (2005), available from FDACS.
16 17			v.	Pro EP/	itecting Natural Wetlands: A Guide to Stormwater BMPs (1996), published by the U.S.
18 19		b.	Alt in d	erna one (	tively, required use of best management practices may be satisfied by participation or more of the following programs:
20 21			i.	No. Agi	n-silvicultural activities: Notice of Intent filed with the Florida Department of riculture and Consumer Services as outlined in the Florida Administrative Code.
22			ii.	Silv	vicultural activities:
23 24				1)	Notice of Intent filed with Florida Forest Service, as outlined in Rule 5I-6.004, Florida Administrative Code;
25 26 27 28				2)	Certification by one of the following: Forest Stewardship Council, American Forest and Paper Association's Sustainable Forestry Initiative, American Forest Foundation's American Tree Farm System, Green Tag Forestry, Forest Stewardship Program; or
29 30 31				3)	Participation in one of the following cost-share programs: Conservation Reserve Program (CRP), Environmental Quality Incentives Program (EQIP), Wildlife Habitat Incentives Program (WHIP), or Forest Land Enhancement Program (FLEP).
32 33 34 35 36	3.	Rel be of cor sep	mov en a unde nser para	<i>al of</i> ppro esira vatio tely	<i>invasive non-native vegetation on conservation lands</i> . Projects for which a plan has wed by a federal, state, or local agency or water management district for the removal ble invasive or non-native vegetation on lands owned, controlled, or managed for on purposes, excluding vegetation in surface waters and wetlands, which are regulated under Section 30-8.19 of this Code.
37 38 39	4.	<i>Ve</i> ma ma	geta inag inag	<i>tion</i> eme eme	on government-maintained land. Alteration of vegetation pursuant to an adopted nt or restoration plan for government-maintained parks, recreation areas, wildlife nt areas, conservation areas and preserves.
40 41	5.	Act ma	<i>tiviti</i> inag	<i>es a</i> eme	uthorized by city-approved management plan. Activities consistent with a nt plan adopted by, or reviewed and approved by the city, provided that the
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1 2		activities further the natural values and functions of the natural communities present. Examples of such activities include clearing firebreaks for prescribed burns or construction of fences.					
3 4 5 6 7 8	6.	<i>Existing utility installations, drainage or stormwater easements, and road right-of-way.</i> Alteration of vegetation within an existing utility, drainage, or stormwater easement after installation, where the vegetation is interfering with services provided by a utility or alteration of vegetation within an existing road right-of-way for normal maintenance activities. Alteration associated with new construction, expansion of existing facilities, and development activity at an existing site that extends beyond the existing easement area is not an exempt activity.					
9 10	7.	<i>Fencing and firebreaks</i> . The minimal removal of trees or understory necessary to construct a fence or wall, or to establish a firebreak, provided that:					
11		a. No regulated tree(s) is removed;					
12 13		<li>b. The path cleared for the fence does not exceed 10 feet in width on either side of the fence or wall;</li>					
14		c. No equipment heavier than a one-ton pick-up truck is used;					
15 16		d. Handheld outdoor power equipment or a standard farm tractor is used in clearing for the installation;					
17		e. No dredge or fill activity is required other than the installation of fence and wall materials;					
18		f. Access to navigable waterways will not be impaired by the construction; and					
19 20 21 22		g. Firebreaks established and maintained along each side of a fence or wall shall not exceed 10 feet in width, unless specified by an approved land management plan, by the local fire officer, or, if applicable, in Best Management Practices for Silviculture (2003), incorporated in Rule 5I-6.002, F.A.C., both as may be amended or renumbered from time to time.					
23 24 25 26	8.	Survey or other required test. The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no regulated tree is removed and the path cleared does not exceed 10 feet in width.					
27 28 29	9.	<i>Text amendments</i> . Text amendments to PD zoning or PUD land use ordinances that are unrelated to development activity, including, but not limited to, changes in or additions of allowable uses, changes in the expiration dates, or changes in elevations or building facades.					
30 31 32 33 34	10.	<i>De minimis impact</i> . Any development activity or application for development review that is of such low intensity as to have a de minimis impact on regulated natural and archaeological resources as determined by the City Manager or designee based on a professional review of the development site and application. This may include, but is not limited to, applications involving previously developed sites or small expansions at existing developed sites.					
35 36	11.	<i>County land use and zoning</i> . The property has county land use and zoning and will be reviewed under the County's regulations.					
37 38 39	12.	<i>Certain prior city approvals</i> . The property has a final master plan approved by the city prior to August 2, 2012; or has a valid PD zoning ordinance approved by the city prior to August 2, 2012 that addresses natural and archeological resources.					

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- Certain sinkholes. Sinkholes that form on developed sites may be filled, repaired or otherwise
   stabilized in order to maintain or prevent structural damage to an existing building or facility
   (such as a stormwater basin or parking lot).
- 4 E. *Levels of review*. The level of resource review shall be classified as follows:
- Basic review. Unless exempt, all applications shall undergo basic review. Basic review shall
   consist of determining, from available data sources and site visits (where necessary), the
   potential presence of any regulated natural or archaeological resource. If the basic review
   indicates the presence of any regulated natural or archaeological resource, then a level 1 review
   is required. Future land use map amendments (except for PUD) and rezonings (except for PD)
   both require only basic review.
- 2. Level 1 review. When the applicant has knowledge of the presence of any regulated natural or 11 12 archaeological resource or if the basic review indicates the potential presence of any regulated 13 natural or archaeological resource, then a level 1 review is required and the applicant shall 14 submit a resources assessment of the natural and archaeological resources on the planning 15 parcel. Level 1 review shall consist of a more detailed review of the project data and the 16 potential impacts identified in the basic review and as further identified in a resources 17 assessment. Level 1 review may include, but is not limited to, coordination with appropriate regulatory agencies, site visits/ground-truthing and recommendation of modifications to the 18 19 development proposal in order to avoid and minimize impacts to any regulated natural or 20 archaeological resource. If during review it is determined that a management plan for impacts to a regulated natural or archaeological resource is required or a mitigation plan is required, 21 22 then a level 2 review is required.
- Level 2 review. Level 2 review shall consist of extensive review of the potential impacts,
   including coordination with appropriate regulatory agencies, recommendation of modifications
   to the development proposal in order to avoid and minimize potential impacts, review of and
   comment on the mitigation plan to address remaining impacts or review of the management
   plan.
- F. *Review of planning parcel*. The parcels involved in an application undergoing review to determine
   the presence of regulated natural and/or archaeological resources shall not be disaggregated,
   processed in piecemeal fashion, reviewed or developed in any manner that results in lesser natural
   resource protections than would otherwise be required if the planning parcel was considered as part
   of the application.
- Applications for parcels that contain, or potentially contain, regulated natural and/or
   archaeological resources shall include documentation for the planning parcel.
- The review and resource assessment required by this Code shall be done for the planning parcel.
   Where regulated natural or archaeological resources are identified in the resources assessment,
   in order to proceed with development on any portion of the parcel, the applicant shall
   demonstrate that developing the project on the parcel does not result in lesser protection of the
   regulated resources than would otherwise be required if the entire planning parcel were
   considered as part of the development proposal.
- G. *Methodology agreement*. Prior to submittal of any application that requires a level 1 or level 2
  review, a binding methodology agreement which includes, but is not limited to, the boundary of the
  planning parcel, boundary of proposed development, boundary of the geographic study area for

Composite Exhibit A Article VIII Page **36** of **105**  resource assessment (if less than the full planning parcel), and the level of review, shall be signed by
 the city and the applicant.

3 H. Staff review. The City Manager or designee is authorized to conduct all staff reviews pursuant to this 4 section. The City Manager or designee shall review and evaluate applications and resources 5 assessments and make recommendations to the decision-making authority. Upon reviewing an 6 application or resources assessment, the City Manager or designee shall issue a written report that 7 describes: the scope of the review conducted; the presence (or absence) of regulated natural or 8 archaeological resources; the potential (or actual) impacts that the development will have on the 9 regulated natural or archaeological resources; whether the proposed development is consistent 10 with the Comprehensive Plan and complies with the Land Development Code and other applicable 11 law with respect to the regulated natural or archaeological resources; appropriate site designs and 12 strategies that maintain and protect the functions and values of the natural and archaeological 13 resources; and recommendations to address the impacts. This written report may be issued in the 14 form of technical review comments.

15 Review fees. The fees for all reviews are set forth in Appendix A, Schedule of Fees, Rates and Ι. 16 Charges. The fee will cover up to three reviews within a two-year period for the same project. By 17 way of example, a single project that is required to undergo basic and level 1 reviews due to three 18 applications filed within a two-year period for a PD rezoning, a special use permit and a development plan will be charged one level 1 review fee, not three level 1 review fees. The fees 19 20 shall be paid within five business days (excluding weekends and city holidays) of the date of written 21 notice from the city that a level 1 or level 2 review is required. Failure to timely pay the review fees 22 shall result in the application being deemed incomplete and returned to the applicant.

23 *Pre-application resource consultation*. In order to assist applicants in assessing the probability that J. 24 any of the regulated natural or archaeological resources are located at a site and to assist planning a 25 development layout and design, an optional, pre-application resource consultation is available. 26 Prior to the submittal of any application listed in Section 30-8.11.C., an applicant may request this 27 optional consultation. Staff will review submitted materials provided by the applicant and may visit 28 the site with the applicant, if requested. There is no fee for this pre-application consultation. Any 29 determinations based on this review are non-binding and are made solely for informational 30 purposes and shall not be construed as an approval or denial or agreement to approve or deny a 31 development order associated with the parcel.

32 K. Optional binding resource determination process. Prior to the submittal of any application listed in 33 Section 30-8.11.C., an applicant may apply for an optional, binding resource determination of 34 regulated natural and archaeological resources. The purpose of a resource determination is to assist 35 the applicant in determining if and where regulated natural and archaeological resources are 36 present on the planning parcel prior to the preparation of detailed development plans and site 37 layouts. This determination does not vest the applicant for any development rights that will be 38 conferred as part of the final development review and approval process, and any determinations 39 made during the resource determination review shall not be construed as an approval or denial or 40 agreement to approve or deny a development order associated with the planning parcel.

Methodology agreement. Prior to submitting an application for a binding resource
 determination, the applicant and the city shall execute a methodology agreement as set forth in
 Section 30-8.11 and establish specific calendar dates when the on-site resources assessment will
 be conducted.

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1 2 3 4 5 6 7 8 9 10	2.	Requirements for a pre-application resource determination. Upon execution of the methodology agreement, the applicant may submit an application for a binding resource determination on the form provided by the city. The application shall include payment of the required review fee set forth in Appendix A of the city code of ordinances, and a resources assessment per the data requirements of Section 30-8.12 for a Level 1 review. Since the sole purpose of this binding resource determination is to determine if and where natural and archaeological resources are present on the planning parcel, the applicant shall not submit information about proposed protection areas, impacts of proposed development, or proposed measures to avoid, minimize, or mitigate impacts on regulated natural and archaeological resources and the city will not review or make binding determinations on any of the foregoing matters.						
11 12 13 14 15 16 17 18 19	3.	<i>Staff review.</i> The City Manager or designee will review the application for completeness and request additional information as required if the application is deemed incomplete. After review of the application, which may include a site visit to the planning parcel, the city reviewer shall issue a written analysis of the application. The written analysis shall provide a verbal description and graphic depiction of the presence and location of significant natural communities, listed species or listed species habitat, strategic ecosystem resources, significant archaeological resources, Floridan aquifer high recharge areas, and significant geological features; any comments or conditions associated with the written analysis; and a recommendation to the City Plan Board.						
20	4.	Board review. City staff shall submit the written analysis to the City Plan Board.						
21 22		<ul> <li>Public hearing. The City Plan Board shall hold a public hearing on the resource determination.</li> </ul>						
23 24 25 26		b. Notice. Notice shall be mailed at least 10 calendar days prior to the public hearing to all property owners within 400 feet of the planning parcel. For this purpose, the owner of property shall be deemed to be the person whose name and address is listed in the latest ad valorem tax records provided by the county property appraiser.						
27		c. City Plan Board action.						
28 29 30 31		i. In considering whether to approve or deny a binding resource determination, the City Plan Board shall consider the evidence presented in the public hearing, including the written analysis of the city reviewer. The burden of presenting competent substantial evidence in support of the application shall be upon the applicant.						
32 33		ii. Action on the application shall be one of the following: 1) approval; 2) approval subject to conditions; or 3) denial, with a statement of the reasons for denial.						
34 35 36		d. <i>Appeal of decision</i> . Appeal of the City Plan Board's decision on an application for a binding resource determination to the appropriate reviewing authority shall be as provided in this chapter.						
37 38 39 40	5.	Approval length, expiration and resource preservation. An approved resource determination is valid for a period of two years from the date of the final decision of the City Plan Board and is subject to the requirements set forth below. The resource determination shall expire at the end of the two year period. No extension shall be granted.						
41 42		a. The resources assessment will be updated at the time of development plan application review to determine the presence of regulated sinkholes or listed species. This update is						

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1 2			subject to the payment of the update fee set forth in Appendix A of the city code of ordinances.				
3 4 5 6 7 8		b.	Updates will be required at the time of development plan review if changes have occurred on or adjacent to the planning parcel that could alter the resource assessment. These changes include, but are not limited to, flood, fire, major storm, or adjacent new development that might impact the planning parcel and the presence and location of the resources. This update is subject to the payment of the associated fee in Appendix A of the city code of ordinances.				
9 10 11		c. During the two year period the resource determination is valid, the applicant shall us practices to preserve and protect any regulated natural and archaeological resources planning parcel.					
12 13 14		d.	Approval of the resource determination establishes only the presence and location of the resources and does not exempt the applicant from Level 1 review or Level 2 review, if applicable, at the time of submittal of any application listed in Section 30-8.11.C.				
15	Sec	tion 30	0-8.12. Resources Assessment.				
16 17 18 19 20	A.	A resources assessment, if required, shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data considered to be recent with respect to the resource. The resources assessment shall be submitted to the city for staff review and evaluation as part of a complete application for level 1 or level 2 resource review.					
21 22 23 24 25 26 27 28 29 30 31 32	Β.	The assessment shall use and report professionally accepted scientific methodology specific for each natural and archaeological resource, in order to assess the actual and potential presence of regulated natural and archaeological resources. The assessment shall include background research and analysis of available existing data, as well as ground-truthing and resource location by hand-held GPS, at a minimum accuracy of the sub-3 meter standard. Field surveys shall be conducted during the seasons, times of day, and field conditions under which each regulated natural and archaeological resource characteristic would most likely be observed. If field surveys are not conducted, the presumption is that the resource is present. Background research and analysis with aerial map review and ground-truthing of resources adjacent to, and up to 50 feet away from the site shall be required. However, this shall not require entry onto property without the permission of the owner. At a minimum, the assessment shall include a report, with numbered pages, that includes:					
33 34 35		1. Co th sta	over letter and/or executive summary, including written explanation of the need and intent of e development proposal, description of construction or alteration methodologies, and signed atement as to the likely presence of regulated natural or archaeological resources.				
36 37		2. M ar	aps of regulated natural and archaeological resources, drawn to scale, including a north arrow nd scale, showing the following:				
38 39		a.	Location of project site in relation to major roads or other readily identifiable landmarks, showing parcel boundaries with dimensions.				
40 41		b.	Existing roads, structures, wells, utilities, and other existing conditions and noteworthy features.				

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1 2			<ul> <li>Identification of all regulated natural and archaeological resources, labeled by resource type.</li> </ul>					
3			<ol> <li>General vegetation characteristics and quality.</li> </ol>					
4			e. General soil types.					
5			. Proposed location of protected conservation resources and open space.					
6 7			Potential connections to existing green space, open space, trails, and adjacent preservation or conservation resources.					
8		3.	Data and analysis that includes evaluation of the following:					
9			. Existing quality and characteristics of regulated natural or archaeological resources.					
10 11			D. Impact of the development proposal on each individual regulated natural and archaeological resource and on the ecosystems in which they function.					
12 13 14			Proposed measures to protect regulated natural and archaeological resources, specifically addressing avoidance, minimization, or mitigation of impacts on regulated natural and archaeological resources.					
15			<ol> <li>Methods of stormwater pollution prevention.</li> </ol>					
16 17		4.	Names, qualifications, and resumes of all personnel involved in the assessment, and their roles with respect to the assessment.					
18 19 20 21	C.	Ado res typ is n	litional data and analysis, as determined by the City Manager or designee, may be required in the ources assessment as appropriate to the complexity of the proposed development activity and es of regulated natural or archaeological resources identified. Such information may include but ot limited to:					
22 23		1.	Copies of historical and recent aerial photographs, topographic and other resource maps reviewed.					
24 25 26		2.	and use and land cover classifications according to the Florida Land Use, Cover and Forms Classification System (FDOT); FNAI Guide; or the Florida regional water management district systems.					
27 28 29 30		3.	Netlands, surface waters, or 100-year floodplains, floodways, flood channels or other special lood hazard areas identified by the National Wetlands Inventory; United States Geological Survey; Florida regional water management districts; Federal Emergency Management Agency; or the city public works department.					
31 32 33		4.	Nildlife corridors, biodiversity hot spots, strategic habitat conservation areas, or element occurrences identified by the Florida Fish and Wildlife Conservation Commission; FNAI; Florida Department of Environmental Protection; or North Central Florida Regional Planning Council.					
34 35		5.	nventories of natural resources or archaeological sites within a planning parcel that includes additional lands under common ownership or control.					
36 37 38 39 40		6.	For a proposal involving only a portion of a planning parcel, detailed assessments of areas more han 50 feet beyond the boundary of the proposed development that are necessary to inderstand the scope of impact of proposed development on areas not included in the development application. However, this shall not require entry onto property without the permission of the owner.					

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1	7.	A mitigation proposal, management plan, and/or monitoring plan, if applicable.					
2 3 4 5 6 7	8.	Field surveys of the natural communities and an inventory of the listed plant and animal species that are present. The field survey shall be required prior to vegetation removal on any portion of a planning parcel where either direct or indirect impact to significant natural communities, listed species habitat, or strategic ecosystem is known or reasonably likely to occur. Applicants are encouraged to arrange a pre-application conference with city staff prior to undertaking a survey. The field survey shall meet the following standards:					
8 9 10 11		a. Non-destructive techniques designed to minimize disturbance of species shall be required, except where destructive or disruptive techniques (such as capture studies) are the preferred means to document species use given the size of the site and complexity of the resource.					
12		b. The survey shall include detailed descriptions and maps indicating:					
13		i. Field methods, conditions, dates, times of day, observations and results.					
14		ii. Transect locations, where applicable.					
15 16		iii. Natural communities or habitats, including dominant species, as field checked across the site.					
17		iv. Representative color photographs taken at ground level.					
18		v. Recent aerial photographs.					
19 20 21		<ul> <li>vi. Actual and potential presence of listed plant and animal species, including indicators (sightings, signs, tracks, trails, nests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.</li> </ul>					
22		vii. Professional opinions and conclusions regarding ecological value of the site.					
23 24 25		c. The city shall be notified of the schedule for significant fieldwork and allowed the opportunity to observe or independently verify survey techniques. Results of the survey may be field verified by the city.					
26 27 28 29 30 31 32 33 34 35 36 37	9.	Archaeological surveys. Parcels containing known or probable archaeological resources shall require site specific surveys and analyses for archaeological resources. Surveys and analysis of archaeological resources shall, at a minimum, conform to Chapter 1A-46, Florida Administrativ Code, and the provisions and standards contained in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation," September 29, 1983, prepared und the authority of Sections 101(f), (g), and (h), and Section 110 of the National Historic Preservation Act of 1966, all as may be amended or renumbered from time to time. Maps of known archaeological sites are maintained by the Florida Department of State, Division of Historical Resources, Master Site File. Areas of known or probable archaeological resources hav been modeled in Alachua County, "An Archaeological Survey of Unincorporated Alachua Count Florida" (Phase 1 and Phase 2), by Southeastern Archaeological Research, Inc., October 2001, a may be updated from time to time.					
38 39 40	10.	Significant natural communities. The locations and general extent of natural communities and/or land cover types that potentially constitute significant natural communities have been mapped on a state-wide basis by public agencies and non-profit private organizations, available					

41 from the Florida Geographic Data Library.

1 2	ć	э.	The follo	e resources assessment shall use digital data sources, including but not limited to the owing:
3 4			i.	Florida Fish and Wildlife Conservation Commission maps of land cover, strategic habitat conservation areas, and biodiversity hot spots.
5			ii.	FNAI maps of areas of potential conservation interest and element occurrences.
6			iii.	Water management district land cover maps.
7			iv.	Digital aerial photographic series.
8 9 10 11	ł	Э.	Wh gro con deli	ere map review indicates the likelihood of impact to significant natural communities, und-truthing shall be used to identify the existence, scope and extent of the natural nmunities associated with the application. Significant natural communities shall be ineated based on consideration and assessment of at least the following factors:
12			i.	Quality of native ecosystem.
13			ii.	Overall quality of biological diversity.
14			iii.	Wildlife habitat value.
15			iv.	Presence of listed species.
16			v.	Proximity to other natural preserve areas and corridors.
17			vi.	Impact by prohibited and invasive non-native vegetation.
18			vii.	Habitat size that will support a viable population.
19 20	11. <i>I</i>	Liste com	ed sj nmo	<i>pecies</i> . Descriptions of the natural communities or habitats with which these species are nly associated are available in a variety of written and electronic formats.
21 22	ć	э.	The follo	e resources assessment shall use digital data sources, including but not limited to the owing:
23 24			i.	Florida Fish and Wildlife Conservation Commission maps of land cover, strategic habitat conservation areas, and biodiversity hot spots.
25			ii.	FNAI maps of areas of potential conservation interest and element occurrences.
26			iii.	Water management district land cover maps.
27			iv.	Digital aerial photographic series.
28 29 30 31	ł	э.	Wh req pop deli	ere map review indicates the likelihood of listed species habitat, ground-truthing shall be uired in order to identify the existence, scope and extent of the listed species pulation(s) and habitats associated with the application. Listed species habitat shall be ineated based on consideration and assessment of at least the following factors:
32			i.	Quality of native ecosystem.
33			ii.	Overall quality of biological diversity.
34			iii.	Habitat value.
35			iv.	Presence of listed species.
36			v.	Location, density, and grouping characteristics of the listed species populations.

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1			vi.	Proximity to other natural preserve areas and corridors.					
2			vii.	Impact by prohibited and invasive non-native vegetation.					
3			viii.	Habitat size that will support a viable population.					
4 5 7 8 9 10		12. <i>Strategic ecosystems</i> . The specific location and extent of regulated strategic ecosystem resources shall be determined through ground-truthing using the KBN/Golder Associates report as a guide to determine the location and extent of the significant natural community or communities, or other natural resources, consistent with the pertinent site summary for the indicated areas as described in the KBN/Golder report. Those areas found not to contain regulated strategic ecosystem resources may be developed provided the ecological integrity of the strategic ecosystem as a whole will be sufficiently protected. The resources assessment shall include:							
12		a.	Ger	neral analysis of adjacent properties sufficient to provide resource context;					
13 14 15		b.	Ow con dev	nership and use information, including parcel numbers and acreage, for all land under nmon ownership or control within the strategic ecosystem or contiguous to the proposed elopment site;					
16 17		с.	All p arch	proposed protection and management strategies for the regulated natural and naeological resources on the planning parcel; and					
18 19 20 21 22		d.	An eco Mai suff this	evaluation of whether the development proposal is sufficiently protective of the logical integrity of the strategic ecosystem, and a finding shall be made by the City nager or designee as to whether the development proposal should be revised to ficiently protect the strategic ecosystem resource in accordance with the provisions of section.					
23 24 25 26 27 28		13. Sig geo wh ind sin stu	nifica ologia ere t licatia khole idy sł	ant geological resource features. The specific location and extent of sinkholes and other cal features shall be determined through ground-truthing. Closed depressions are areas there is a significant probability that there are sand-filled sinkholes that have no surface on. A professional geologic study may be required with the objective of locating any es that are not visible from the surface. If geological resource features are located, the nall map all of these resources and their buffers.					
29	Sec	tion 30-	-8.13	. Regulation of Natural and Archaeological Resources.					
30 31 32	A.	Applica archae section	a <i>bilit</i> y ologi 1.	y. If basic and level 1 review confirms the presence of a regulated natural or cal resource, then the planning parcel shall be further regulated as set forth in this					
<ol> <li>33</li> <li>34</li> <li>35</li> <li>36</li> <li>37</li> <li>38</li> <li>39</li> <li>40</li> <li>41</li> <li>42</li> </ol>	Β.	Set-asia shall be the der shall be develop bounda within be calc which t to regu	des, de e allo nsity e incl pmer ary w Gaine ulate the p ilatio	density or intensity transfers. Density or intensity transfers within the planning parcel wed where set-asides for resource protection are required. In order to be eligible for or intensity transfer, the area of the planning parcel that is receiving density or intensity uded in the development proposal and the transfer shall be noted on the approved nt order. In the instance where a regulated resource extends across a jurisdictional with the county or another municipality, these regulations shall only apply to the area esville city limits. The unit number/amount of density/intensity available for transfer will ed on the basis of that which is allowed by right within the established zoning district in parcel is located, but only for the specific area of the required set-aside attributable solely in under these natural and archaeological resource protection regulations. In the event					

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- the transfer within the planning parcel cannot be fully used because of other Land Development
   Code limitations (such as, but not limited to, height or floor area ratio), the applicant may propose
   alternative compliance as set forth in Section 30-8.16.
- 4 C. *Maximum set-aside areas*. The maximum set-aside areas shall be determined as follows:
- On a planning parcel that does not fall fully or partially within the area of Strategic Ecosystems,
   as shown on the Environmentally Significant Land and Resource map of the Future Land Use
   Map series, no more than 25% of the upland portion of the parcel may be required to be set
   aside for protection of all regulated natural and archaeological resources.
- On a planning parcel that does fall fully or partially within the mapped Strategic Ecosystems area
   but does not contain evaluated and delineated strategic ecosystem resources, no more than
   25% of the upland portion of the parcel may be required to be set aside for protection of all
   regulated natural and archaeological resources.
- On a planning parcel that does fall fully or partially within the mapped area of Strategic
   Ecosystems and contains evaluated and delineated strategic ecosystem resources, no more than
   50% of the upland portion of the parcel may be required to be set aside for protection of all
   regulated natural and archaeological resources, including the uplands within the identified
   Strategic Ecosystems resource area.
- These set-aside maximums may be exceeded when the following environmental resource areas,
   which shall be protected due to other City code, state or federal law, are present on a planning
   parcel: 1) Setbacks/buffers of surface waters and wetlands required by other City code, state or
   federal law; or 2) Preservation of archaeological or geological resource areas, and listed species
   habitat or other critical habitat through regulation by state or federal law.
- In every case, these otherwise protected upland areas will be counted first in the determination of
   the upland set-aside area. In the event that these otherwise protected areas cumulatively do exceed
   the upland set-aside maximums above, then no additional natural and archaeological set asides will
   be required.
- 27 D. Significant natural communities.
- On-site protection and set-aside limitations. Significant natural communities shall be preserved and protected on-site, as follows: The city shall work with the applicant to select that portion of the significant natural community or communities that will be included in the set-aside area, based on the limitations and factors identified in this Code and the FNAI Guide. The applicant may relocate existing vegetation to another portion of the site or establish a new area of native plants on another portion of the site, as part of an approved management plan.
- Alternatives to on-site protection. Alternatives to on-site protection of significant natural
   communities may be considered in the following circumstances:
- When physical constraints of the parcel preclude maintenance of ecological integrity of
   preserved vegetation, given considerations as to size of the development site, habitat
   quality, connectivity, adjacent uses, and feasibility of management;
- b. When opportunities exist for long-term protection and management of significant natural
  communities of equal or greater habitat value than would have otherwise been protected;
  or

1 c. When establishment of conservation management areas within a project would result in 2 small, fragmented areas with limited ecological integrity and value compared to available 3 alternatives. 4 3. Standards for alternatives to on-site protection. If one or more of the circumstances identified 5 above exists, an applicant may propose one or more of the following options, which shall be 6 evaluated to determine whether the alternative provides better protection than on-site 7 protection. 8 a. The applicant may provide an off-site conservation management area of at least two acres 9 of comparable habitat area for every one acre of on-site significant habitat that would have 10 otherwise required protection by this section; or b. The applicant may propose an alternative mitigation plan or an alternative compliance plan 11 12 as provided in this Code, with establishment of a conservation management area and 13 approved management plan, as applicable. Such plans are subject to approval by the city. 14 E. Listed species. If the resources assessment identifies the presence of listed species or potentially 15 occupied listed species habitat, the applicant shall submit a management plan to the city for review 16 and approval that meets federal, state and city regulatory requirements for the species and affords 17 appropriate protection of the listed species and its habitat(s). Where listed species are regulated by 18 the state or federal government, the applicant shall submit to the city the state or federally 19 approved habitat survey and associated management or mitigation plans prior to the issuance of a 20 development order. The city shall consult and coordinate with other permitting agencies, as 21 appropriate. All activities shall comply with applicable state and federal laws, regulations, 22 performance standards, and management guidelines. 23 1. On-site habitat protection and set-aside limitations. Listed species habitat shall be preserved 24 and protected on-site. The city shall work with the applicant to select that portion of the listed 25 species habitat that will be included in the set-aside area, based on the limitations and factors 26 identified in this Code, recommendations of state or federal agencies with jurisdictional 27 authority for the protection of listed species, and the FNAI Guide. 28 2. Alternatives to on-site habitat protection. Alternatives to on-site listed species habitat 29 protection may be considered in the following circumstances: 30 a. When scientific data demonstrates that on-site protection will not be conducive to the long-31 term health of the listed species or listed species habitat; or 32 b. When evidence demonstrates that the protected habitat would be prohibitively difficult to 33 manage adequately due to the management requirements of the habitat; or 34 c. When protected areas would be less than the smallest minimum territorial requirements of 35 identified species individuals, and cannot be connected with other protected areas which 36 would result in sufficient territorial requirements; or 37 d. When relocation of a listed species is recommended after consultation with the appropriate 38 state or federal agency, provided that the listed species is relocated prior to any site 39 modifications, in accordance with the city's development order and any authorizations 40 required by a state or federal resource agency. 41 3. Standards for alternatives to on-site habitat protection. If one or more of the circumstances 42 identified above exists, an applicant may propose one of the following options, which shall be

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| 1<br>2                           |        | evaluated to determine whether the alternative provides better protection than on-site protection:   |
|----------------------------------|--------|--|
| 3<br>4<br>5                      |        | a. For every one acre of on-site listed species habitat not protected, an off-site protection area shall provide two acres of comparable habitat as a conservation management area. The city may consider alternative mitigation proposals which provide equal or greater protection; or   |
| 6<br>7<br>8                      |        | b. An alternative mitigation plan or an alternative compliance plan as provided in this Code, with establishment of a conservation management area and approved management plan, a applicable.   |
| 9<br>10<br>11<br>12<br>13<br>14  | 4.     | <i>Special design standards</i> . Development approval conditions may limit or preclude development<br>of structures, impervious surfaces, and other uses within an appropriate distance of protected<br>species and habitat, if necessary, for the continued viability of the listed species habitat as<br>determined by State of Florida and federal standards if same exists, or by best professional<br>practices based on species. Depending on the type of species, the following special design<br>standards may be required adjacent to regulated listed species habitat to minimize disturbance |
| 15<br>16<br>17<br>18             |        | a. A minimum setback of 25 feet from the protected listed species habitat may be required for construction activities. Clearing, grading, and filling may be prohibited within the setback area unless the applicant can demonstrate that vegetation within the protected area will not be damaged.  |
| 19<br>20                         |        | b. Landscaping within required setbacks may require utilization of native plants that are compatible with existing native plant communities, soils, and climatic conditions.   |
| 21<br>22                         |        | c. Habitat corridors may be required between protected habitat areas on-site, and between protected areas off-site.  |
| 23                               | F. Str | ategic ecosystems.   |
| 24<br>25                         | 1.     | <i>Protection</i> . Areas of evaluated and delineated strategic ecosystem that will be preserved and protected are subject to the following conditions:  |
| 26<br>27                         |        | a. Mechanisms to coordinate management activities with adjacent resources in the strategic ecosystem shall be provided, and a management plan shall be required.   |
| 28<br>29<br>30                   |        | b. Vegetation loss, grade change, and disturbance of the development site shall be minimized by careful site design fitted to the topography and soil; removal of vegetation shall be limited to only that necessary to develop the site.  |
| 31<br>32<br>33<br>34             |        | c. Access, infrastructure, stormwater management and utilities shall be sited with consideration to minimizing impacts across multiple properties, providing for wildfire mitigation, and maximizing opportunities for shared facilities such as common driveways, utility access, and building impact areas.  |
| 35<br>36<br>37<br>38<br>39<br>40 |        | d. The applicant shall consult with the city to select that portion of the strategic ecosystem resources that will be included in the set-aside area, based on the provisions of this Code. No development or other adverse impact to the set-aside portion of the planning parcel shall be allowed, except where necessary to allow access where none is otherwise available In such case, impact is allowed only in the least sensitive portion of the system and subject to mitigation requirements.  |
| 41<br>42                         |        | <ul> <li>Where impact is proposed in the remaining ground-truthed strategic ecosystem resource<br/>area outside the required set-aside, the following shall apply:<br/>Composite Exhibit A</li> </ul>  |

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1 2				i.	The applicant shall locate development on buildable area outside of the strategic ecosystem to the greatest extent practicable.
3 4				ii.	Parcels, lots, building areas and driveways shall be configured to minimize overall impact to strategic ecosystem integrity.
5 6 7				iii.	Subdivisions and non-residential development shall meet requirements for cluster subdivisions set forth in the Land Development Code, unless otherwise regulated by an adopted Planned Development Ordinance.
8 9		2.	<i>Loc</i> asio	<i>atio</i> de re	<i>n of set-aside</i> . The following shall be considered in determining the location of the set- equirement for the strategic ecosystem resource:
10			a.	Fea	tures that define the strategic ecosystem;
11			b.	Are	as critical for system connectivity, and significant natural community areas;
12			c.	Abi	lity to implement and conduct management strategies;
13 14			d.	Pro unc	tection and management of additional resources for all properties within the city's limits der common ownership and control within the strategic ecosystem; and
15 16 17			e.	lf th Cor stra	ne planning parcel has a city land use or zoning designation, in whole or in part, of nservation, the upland areas of the Conservation portion shall count toward meeting the ategic ecosystem set-aside requirements.
18 19 20		3.	An or s for	agrio silvic bon	culture/silviculture land use management plan shall be required before any agricultural cultural activity occurs on land containing strategic ecosystem resources that is not used a-fide agriculture or silviculture, in accordance with one of the following:
21 22 23 24 25 26			a.	The inte thro con Res Affa	e agriculture/silviculture management plan shall provide for retention of the ecological egrity and value of the strategic ecosystem, and may include protection of resource areas ough methods including but not limited to conservation easements or participation in a diservation program sponsored by the United States Department of Agriculture Natural sources Conservation Service or the Florida Department of Agriculture and Consumer airs.
27 28 29 30 31 32			b.	The app req agr cer eco	e agriculture/silviculture management plan shall be submitted to the city for review and proval by staff. Management plans not meeting the general standards of this section will uire review and approval through the development review process. The iculture/silviculture management plan may be satisfied by any agricultural or silvicultural tification program's required management plan, provided it demonstrates that the plogical integrity and value of the strategic ecosystem resource is protected.
33 34 35	G.	<i>Flo</i> wit aqu	<i>ridai</i> thin l uifer	n aq Flori and	uifer high recharge areas. The following requirements apply to development on parcels dan aquifer high recharge areas to ensure both short and long-term protection of the groundwater resources:
36 37 38 39 40 41 42		1.	Exis req ret app as p mo of e	sting uire rofit blical bart dific engir	a facilities that handle or store hazardous materials. Existing facilities shall meet the ments of Alachua County's Hazardous Materials Management Code. Corrective action to or upgrade facilities that handle or store hazardous materials consistent with standards ble to new facilities shall be required when existing facilities are proposed to be modified of a development plan. Development review and permitting activities for cation/expansion of existing facilities shall include careful evaluation and implementation neering and management controls, setbacks and buffers, and monitoring. Composite Exhibit A

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- New facilities that handle or store hazardous materials. New development that involves
   handling or storing of hazardous materials shall be prohibited in Floridan aquifer high recharge
   areas unless it can be demonstrated that the materials, in the quantity and/or solution stored or
   the conditions under which it is to be stored, do not pose a hazard to human health or the
   environment. If permitted, such activities shall be subject to the general requirements, siting
   prohibitions, storage facility standards, and secondary containment and monitoring
   requirements contained in Alachua County's Hazardous Materials Management Code.
- 8 H. Significant archaeological resources.

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- 9 1. Development on parcels identified as containing known or probable archaeological resources 10 shall be conditioned, based on recommendation from an archaeological resource-trained 11 professional, to protect the resource, including but not limited to, insuring proper archaeological 12 investigation prior to development and construction. Avoidance, minimization, and mitigation 13 of adverse impacts on significant archaeological resources shall be required as appropriate to 14 the scale and significance of the resource.
- The discovery of unmarked human remains or burials during development activity, or other
   activity, is governed by Sections 872.02 and 872.05, Florida Statutes, as same may be amended
   or renumbered from time to time.
- Significant geological resource features. The purpose of management strategies for significant geological resource features is to protect water quality, hydrologic integrity, and ecological values associated with the feature and its hydrologic regime. Management strategies may include, but are not limited to, filling and development restrictions, buffers, runoff diversion, muck and debris removal, berm and weir construction, and filtration.
- 23 1. Sinkholes. Open sinkholes and sinkholes with stream inflow shall be identified and protected as 24 conservation management areas. The sinkhole shall be fully protected or restored as a natural 25 area, and the applicant shall submit a plan that demonstrates the elimination of access and the 26 restoration of the land to a natural condition, including stabilization of erosion channels, limiting 27 drainage from non-natural areas, and restoration of buffer areas that have been disturbed. 28 Where the applicant seeks to continue access or make improvements to existing access to a 29 sinkhole, an applicant shall demonstrate the following in the management plan, or if access to 30 the sinkhole is proposed after a management plan has been approved, a revised management 31 plan shall be submitted for review, demonstrating the following:
- a. That there is a recreational or scientific benefit that the public derives from the retention or
   creation of access. If access exists, show that use of the area is such that closing the access
   would not be practical based on the current level of use.
- b. That all sources of erosion or pollution within the sinkhole buffer and the sinkhole are
   mitigated to eliminate or reduce erosion and pollution to the lowest reasonable level.
  - c. That the access is the minimum needed to meet the needs. The route chosen shall be the least damaging and least vulnerable to erosion.
- d. That a plan for the maintenance of the access, stormwater controls, waste collection, and
  landscaping has been submitted, approved by the city, and funded.
- Protection strategies. It is recognized that strategies for protection of significant geological
   resource features vary based on the unique characteristics of the resource and require specific
   tailoring to address diverse geometries, connections to surface water and ground water, habitat

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1 2	fun by 1	ctions and values, and the dynamics of natural systems processes. Such strategies required the city may include, but are not limited to, the following:
3 4 5 6	a.	Significant geological resource features shall be designated and protected as conservation management areas. Significant geological resource features that are capable of being managed on-site shall be identified on development proposals and protected during construction and after development.
7	b.	Features may be incorporated as aesthetic elements into the development project design.
8	c.	Natural topographic features may be retained through lot layout and infrastructure siting.
9 10 11 12 13 14 15 16	d.	Stormwater management facilities shall be located outside the immediate drainage area associated with sinkholes and other similar karst geological formations, where practicable; and be designed to avoid and minimize impacts of stormwater discharge to the resource area and its characteristic features. The drainage area is the local geographic area which contributes surface water runoff to the resource area, and the management objective is to limit impervious surfaces and design drainage systems so as to ensure that sediments or contaminated water do not reach the sinkhole, solution cavities, or other similar direct conduits to groundwater.
17 18 19 20 21 22	e.	Buffers shall be required around significant geologic resources in order to maintain natural context, edge vegetation, and structural protection. The buffer areas around sinkholes or other karst surficial features are intended to protect the resource and groundwater by providing areas where surface or subsurface flows are preserved or restored to a natural condition. In the absence of scientific information which demonstrates that another buffer width is appropriate, the following default buffer widths shall be applied:
23 24		i. Sinkholes: an average of 50 feet, but no less than 35 feet away from the outermost closed contour.
25 26		ii. Caves, lineaments, ridges, and escarpments: an average of 75 feet, but no less than 50 feet, away from the outermost contour associated with the feature.
27 28 29		iii. Springs, and significant geological resource features located within springsheds: an average of 150 feet, but no less than 100 feet, away from the outermost contour associated with the feature.
30 31 32 33 34	f.	Where slopes greater than or equal to 5% are found adjacent to sinkholes and inflowing watercourses, existing vegetation shall be substantially retained to minimize erosion consistent with best management practices and surface water and wetland buffers. Development shall be designed to include retention of the natural character of watercourses, seepage slopes and buffers associated with significant geological features.
35 36 37	g.	In instances where geological resource features function as habitats for listed species, special protection will be provided in consideration of the habitat characteristics and requirements of the species.
38 39	h.	Use of best management practices may be required to minimize erosion and maintain water quality, as provided in the Alachua County Water Quality Code
40 41	i.	Alternatives to on-site protection may be considered when physical constraints of the parcel preclude maintenance of the integrity of the resource, based on considerations such as size

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- of the development site, resource quality, connectivity to the Floridan aquifer, adjacent
   uses, or feasibility of management.
- **3** Section 30-8.14. Conservation Management Areas and Management Plans.
- 4 A. Identification of conservation management areas. The extent of land to be protected within a 5 conservation management area shall include the regulated natural or archaeological resource 6 area(s) which have been evaluated and delineated through the resources assessment, consisting of 7 required set-asides, buffers, setbacks and linkages that preserve the natural system functions of the 8 resource(s). Conservation management areas shall be designed and maintained in areas with 9 generally intact vegetation, including canopy, understory and groundcover where applicable, in 10 functional, clustered arrangement, with logical contiguous boundaries to eliminate or minimize 11 fragmentation to the greatest extent practicable. Where alternative sites exist on the planning 12 parcel, the site or sites selected shall be the best suited to preserve ecological integrity, maximize 13 use by wildlife and maintain the long-term viability of significant natural communities. The selection 14 shall be based upon the following:
- 15 1. Function and value of natural and archaeological resources;
- 16 2. Quality and condition of natural and archaeological resources;
- 17 3. Protectability and manageability;
- Size and shape, avoiding enclaves of development or areas fragmented by development, and
   providing, where appropriate, adequate buffers from the secondary impacts of development
   and adequate wildlife corridors;
- Contiguity with adjacent existing natural communities, functional wetland system, floodplain, or
   habitat corridor;
- 23 6. Existing species population sizes and life history requirements;
- 24 7. Proximity and accessibility to other populations of the same species;
- 25 8. Compatibility of conservation with adjacent land uses; and
- 26 9. Coordination with the Florida Fish and Wildlife Conservation Commission and other agencies, as
   27 the city deems appropriate to the resource.
- B. Uses of conservation management areas. The use of conservation management areas shall be
  limited to that which is compatible with protection of the ecological integrity of the regulated
  natural or archaeological resources. The following uses may be permitted as part of an approved
  management plan, provided they do not adversely affect natural and archaeological resource
  function and ecological integrity:
- 33 1. Nature trails (mulched walking paths, elevated wooden walkways);
- 34 2. Low-intensity, passive recreational activities such as wildlife viewing and hiking;
- 35 3. Scientific and educational activities (interpretive trails and signage, observation points);
- 36 4. Site investigative work such as surveys, soil logs, and percolation tests;
- 37 5. Scenic, archaeological, wildlife, or scientific preserves;
- 38 6. Ongoing bona-fide agricultural and/or silvicultural activities that:

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1 2			a. Are consistent with the protection of the regulated natural and archaeological resource(s) identified on the site for protection under the management plan; or
3			b. Follow certification programs or best management practices.
4		7.	Single-family residential dwellings established as part of an approved management plan;
5		8.	Constructing fences where no fill activity is required; and
6 7		9.	Other uses demonstrated to be compatible with regulated natural and archaeological resource protections as outlined in the management plan.
8 9	C.	<i>Pro</i> par	<i>hibited activities</i> . Activities that are prohibited within conservation management areas, unless t of an approved management plan, include the following:
10 11		1.	Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
12 13		2.	Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
14		3.	Removal or destruction of native vegetation;
15 16		4.	Excavation, dredging, or removal of soil, rock, or other material substance in such manner as to affect the surface;
17 18		5.	Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
19 20		6.	Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
21		7.	Acts or uses detrimental to such retention of land or water areas;
22 23		8.	Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; and
24 25 26		9.	Wastewater and stormwater discharges to conservation management areas are generally prohibited. However, discharges may be allowed only in surface waters, wetlands, and significant geologic features if the following criteria are satisfied:
27 28			a. The quantity, timing, and quality of discharge maintains or improves water quality, biological health, and function of the natural ecosystem;
29			b. Downstream waters are not affected by nutrient loading;
30 31			c. The project owner or responsible entity prepares and implements a maintenance and monitoring plan acceptable to the city;
32 33 34			d. The project owner or responsible entity corrects any failures in design or operation of the wastewater and/or stormwater system that cause degradation of water quality, biological health, or the function of the natural ecosystem;
35 36 37			e. The owner or responsible entity posts a performance bond or similar financial guarantee to assure implementation of maintenance and monitoring in compliance with the Land Development Code; and
38 39			<ul> <li>f. Treatment is provided in accordance with the requirements of the Land Development Code and the requirements of the appropriate water management district. Composite Exhibit A Article VIII</li> </ul>

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- D. Conservation management areas location. Conservation management areas shall be located within
   common open space and/or within the boundaries of a single individual lot or parcel.
- Boundary marking and protection. Prior to and during development, the conservation management
   area boundaries shall be clearly marked and appropriately protected as follows:
- Physical barriers shall be installed around the outer extent of the set aside portion of
   conservation management areas as necessary to prevent disturbance by individuals and
   equipment. Protective barriers shall be installed and approved prior to commencement of
   permitted activities and maintained in place until activities are complete;
- Erosion and turbidity control measures shall be required in order to prevent runoff of turbid
   water into conservation management areas; and
- The owner or responsible entity shall completely restore any portion of a protected
   conservation management area damaged during the activity. Certificates of occupancy or
   completion shall not be issued until restoration activity has been completed.
- 14 F. Permanent protection of conservation management areas. Conservation management areas shall be 15 permanently protected in perpetuity using a legal instrument that runs with the land, in a form 16 acceptable to the city, and duly recorded in the Public Records of Alachua County, which assures the 17 preservation and maintenance of the conservation management area. The preferred legal 18 instrument shall be a conservation easement in accordance with Section 704.06, Florida Statutes, 19 which restricts the use of the land in perpetuity to conservation uses, or other uses consistent with 20 conservation, and is expressly enforceable by the city. Other forms of dedication may be considered 21 by the city if comparable protection is demonstrated which assures the preservation and 22 maintenance of the conservation management area in accordance with the approved management 23 plan. A boundary or special purpose survey certified by a professional land surveyor registered in 24 the State and meeting minimum technical standards adopted pursuant to Section 472.027, Florida 25 Statutes, is required for the establishment and dedication of the Conservation Management Area.
- G. *Plat and plan notations*. The boundaries of designated conservation management areas, including
   any required buffers, shall be clearly delineated on development plans, plats, and deed restrictions,
   and a legal description of the boundaries shall be included.
- H. *Field markers*. Permanent survey markers using iron or concrete monuments to delineate the
  boundary between conservation management areas and contiguous land shall be set, according to
  current survey standards. Markers shall be installed prior to issuance of the initial certificate of
  occupancy or other final approval, and shall be maintained by the owner in perpetuity.
- Signage. The perimeter of conservation management areas shall be permanently identified with
   city-approved signs that identify the area as protected conservation area. Signage that is required by
   another governmental agency and also meets the city requirements may be used.
- 36 J. *Rezoning or land use change*. Conservation management areas may have a land use or zoning
   37 change to a conservation land use category or zoning district through a city-initiated or a landowner 38 initiated process.
- K. Management requirements for conservation management areas. Conservation management areas
   shall be maintained in compliance with the provisions of this Code, the conservation easement, the
   approved management plan, and the following standards. If a management plan is required, the
   scope of maintenance shall be specified in the management plan. The owner or responsible entity

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	sha as t	shall not be held responsible for maintenance which exceeds this scope due to external causes, suc as through disasters or other events beyond the control of the responsible entity.				
	1.	Unl resj resj	ess pons pons	the area is dedicated to the public use and accepted by the city, the cost and sibility of managing the conservation management area shall be borne by the owner or sible entity.		
	2.	Ma are incl	nage a an ude	ement shall maintain or enhance the ecological value of the conservation management Id support the protection and maintenance of the identified resource. Management shall , but not be limited to, the following minimum requirements:		
		a.	Nor Inva nor app tecl pre pos disp	n-native vegetation shall not be introduced into the conservation management area. asive, non-native vegetation shall be eliminated or controlled to a level of initerference with the growth of native vegetation according to specific goals of the proved management plan. Removal shall be accomplished through ecologically sound hniques, including but not limited to, manual removal, hand-held power equipment, and scribed burning. Control of non-native trees which are in use as a nesting site shall be stponed until the nesting season is over. All non-native vegetative debris shall be posed of outside of the conservation management area.		
		b.	De wile	ad trees that are not a hazard to humans or private property and that provide habitat for dlife shall remain in the conservation management area.		
		c.	Wh be	ere non-native vegetation is removed, replacement with appropriate native species may required if specified in the conservation easement and/or approved management plan.		
		d.	Fen	ncing may be required to control access to the conservation management area.		
L.	Ma all o pro reso the are	nage deve pert ourc opp as.	eme lopr ies t es g orti	<i>ent plan.</i> A management plan for a conservation management area shall be required for ment applications involving properties within, or partly within, a strategic ecosystem or that meet 2 of the following 3 criteria: contains regulated natural or archaeological greater than or equal to 5 acres in size; contains at least one listed species; or provides unity for a wildlife corridor adjacent to nature parks and public conservation/preservation		
	1.	The the The	ma app ma	nagement plan shall be prepared at the expense of the applicant by person(s) qualified in propriate fields of study, and conducted according to professionally accepted standards. nagement plan shall include the following:		
		a.	Des	scription of goals and objectives based on type of natural resources to be managed;		
		b.	Des imp	scription of all proposed uses, including existing and any proposed physical and access provements;		
		c.	Des	scription of prohibited activities within buffers or set-aside areas;		
		d.	Des nat	scriptions of ongoing activities that will be performed to protect, restore, or enhance the ural or archaeological resources to be protected. These may include:		
			i.	Removal or control of invasive non-native vegetation and debris;		
			ii.	Replanting with native plants as necessary;		
			iii.	Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive foraging, breeding, roosting, and nesting areas;		
	L.	sha as t 1. 2. L. <i>Ma</i> all c pro reso the area 1.	shall no as throu 1. Unl resp resp 2. Ma are incl a. b. c. d. L. <i>Manage</i> all deve propert resource the opp areas. 1. The the The a. b. c. d. d. L. <i>Manage</i> all deve propert resource the opp areas. 1. The the The a.	shall not be as through 1. Unless response response response area and include a. Note area and include a. Note invertise a. Note invertise b. Des disp b. Des wite c. Whe be d. Fer L. Management all develops properties for resources go the opportu- areas. 1. The man a. Des b. Des imp c. Des d. note anat i. in ii.		

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1 2		iv.	Fencing or other institutional controls to minimize impact of human activities on wildlife and vegetation, such as predation by pets;
3 4		v.	Prescribed burning, thinning, or comparable activities performed in an environmentally sensitive manner to restore or maintain habitat;
5 6 7		vi.	Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring, and reporting;
8 9		vii.	Any additional measures determined to be necessary to protect and maintain the functions and values of conservation areas in conjunction with wildfire mitigation;
10 11 12		viii.	Schedules, estimated costs, staffing requirements, and assignments of responsibility for specific implementation activities to be performed as part of the management plan, and identification of means by which funding will be provided;
13		ix.	Performance standards with criteria for assessing goals and objectives;
14		х.	Three-year monitoring plan with schedule and responsibility;
15		xi.	Ownership and entity responsible for management activities;
16		xii.	Provision for changes to be reviewed and approved by the city;
17		xiii.	Contingency plans for corrective measures or change if goals are not met.
18 19	2.	The ma decisio	nagement plan shall be submitted for staff review and approval by the appropriate n making authority, and shall comply with the provisions of this Code.
20 21	3.	Modific resourc	cations to an approved management plan that do not result in lesser protection of the ses present may be allowed, subject to approval by the City Manager or designee.
22 23 24	4.	The exi restrict develor	stence of the management plan shall be noted on plans and plats, covenants and ions, conservation easements and other documents as appropriate to the type of oment and manner of protection provided.
25 26	5.	The pro financia	operty owner or responsible entity shall acknowledge and confirm its obligation and al ability to maintain and manage the conservation management area.
27	Section	n 30-8.15	. Avoidance, Minimization, Mitigation and Monitoring.
28 29 30 31 32	Develo mainta and arc shall co resourc	pment a ined to a chaeolog onstitute ces area	pproval shall only be granted for activities that are located, designed, constructed, and avoid, minimize, and, where necessary, mitigate adverse impacts on regulated natural ical resources, consistent with these sections. Fulfillment of the set-aside requirement full compliance with avoidance, minimization, and mitigation related to the upland of the set-aside, except as provided for strategic ecosystems in Section 30-8.13.
33 34 35 36 37 38	A. Ave arc arc im rec fol	oidance. haeolog haeolog pacts to quired pr lowing:	Avoidance of loss of the environmental and social benefits and functions of natural and ical resources is of the highest priority. The owner shall avoid loss of natural and ical resources by implementing practicable design alternatives to minimize adverse natural and archaeological resources. Specific measures for avoidance which will be ior to authorization of any adverse impact may include, but are not limited to, the
39	1.	Limitin	g the scope, degree or magnitude of the proposed activity;

Composite Exhibit A Article VIII Page **54** of **105**  D. Submission of additional data. When additional hydrologic, hydraulic or other engineering data,
 studies, and additional analyses are submitted to support an application, the applicant has the right
 to seek a letter of map change from FEMA to change the base flood elevations, change floodway
 boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data
 to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format
 required by FEMA. Submittal requirements and processing fees shall be the responsibility of the
 applicant.

### 8 Section 30-8.29. Inspections.

- 9 A. *General*. Development for which a floodplain development permit or approval is required shall be
   10 subject to inspection.
- B. Development other than buildings and structures. The floodplain administrator shall inspect all
   development to determine compliance with the requirements of this subdivision and the conditions
   of issued floodplain development permits or approvals.
- C. Buildings, structures and facilities exempt from the Florida Building Code. The floodplain
   administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code
   to determine compliance with the requirements of this subdivision and the conditions of issued
   floodplain development permits or approvals.
- D. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.
   Upon placement of the lowest floor, including basement, and prior to further vertical construction,
   the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's
   authorized agent, shall submit to the floodplain administrator:
- If a design flood elevation was used to determine the required elevation of the lowest floor, the
   certification of elevation of the lowest floor prepared and sealed by a Florida licensed
   professional surveyor; or
- If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Subsection 30-8.28.B.3.B. of this subdivision, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- E. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of
  the final inspection, the owner or owner's authorized agent shall submit to the floodplain
  administrator a final certification of elevation of the lowest floor or final documentation of the
  height of the lowest floor above the highest adjacent grade; such certifications and documentations
  shall be prepared as specified in Subsection 30-8.29.D. of this subdivision.
- F. *Manufactured homes*. The building official shall inspect manufactured homes that are installed or
   replaced in flood hazard areas to determine compliance with the requirements of this subdivision
   and the conditions of the issued permit. Upon placement of a manufactured home, certification of
   the elevation of the lowest floor shall be submitted to the building official.
- **38** Section 30-8.30. Variances and Appeals.
- A. *General*. The appropriate reviewing authority shall hear and decide on requests for appeals and
   requests for variances from the strict application of this subdivision and, pursuant to Section
   553.73(5), Florida Statutes, the flood resistant construction requirements of the Florida Building
   Code.
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- B. Appeals. The appropriate reviewing authority shall hear and decide appeals, as provided in this
   chapter, when it is alleged there is an error in any requirement, decision, or determination made by
   the floodplain administrator in the administration and enforcement of this subdivision.
- C. Limitations on authority to grant variances. The appropriate reviewing board shall base its decisions
  on variances on technical justifications submitted by applicants, the considerations for issuance in
  Subsection 30-8.30.G. of this subdivision, the conditions of issuance set forth in Subsection 308.30.H. of this subdivision, and the comments and recommendations of the floodplain administrator
  and the building official. The appropriate reviewing board has the right to attach such conditions as
  it deems necessary to further the purposes and objectives of this subdivision.
- D. *Restrictions in floodways*. A variance shall not be issued for any proposed development in a
   floodway if any increase in base flood elevations would result, as evidenced by the applicable
   analyses and certifications required in Subsection 30-8.28.C. of this subdivision.
- 13 E. Historic buildings. A variance is authorized to be issued for the repair, improvement, or 14 rehabilitation of a historic building that is determined eligible for the exception to the flood resistant 15 construction requirements of the Florida Building Code, Existing Building, Chapter 11, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not 16 17 preclude the building's continued designation as a historic building and the variance is the minimum 18 necessary to preserve the historic character and design of the building. If the proposed work 19 precludes the building's continued designation as a historic building, a variance shall not be granted 20 and the building and any repair, improvement, and rehabilitation shall be subject to the 21 requirements of the Florida Building Code.
- F. *Functionally dependent uses*. A variance is authorized to be issued for the construction or substantial
   improvement necessary for the conduct of a functionally dependent use, provided the variance
   meets the requirements of Subsection 30-8.30.D., is the minimum necessary considering the flood
   hazard, and all due consideration has been given to use of methods and materials that minimize
   flood damage during occurrence of the base flood.
- G. Considerations for issuance of variances. In reviewing requests for variances, the appropriate
   reviewing board shall consider all technical evaluations, all relevant factors, all other applicable
   provisions of the Florida Building Code, this subdivision, and the following:
- The danger that materials and debris may be swept onto other lands resulting in further injury
   or damage;
- 32 2. The danger to life and property due to flooding or erosion damage;
- The susceptibility of the proposed development, including contents, to flood damage and the
   effect of such damage on current and future owners;
- 4. The importance of the services provided by the proposed development to the community;
- 36 5. The availability of alternate locations for the proposed development that are subject to lower37 risk of flooding or erosion;
- 38 6. The compatibility of the proposed development with existing and anticipated development;
- The relationship of the proposed development to the Comprehensive Plan and floodplain
   management program for the area;
- 41 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

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- 1 The expected heights, velocity, duration, rate of rise and debris and sediment transport of the 2 floodwaters and the effects of wave action, if applicable, expected at the site; and 3 10. The costs of providing governmental services during and after flood conditions including 4 maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water 5 systems, streets and bridges. 6 H. *Conditions for issuance of variances*. Variances shall be issued only upon: 7 1. Submission by the applicant, of a showing of good and sufficient cause that the unique 8 characteristics of the size, configuration, or topography of the site limit compliance with any 9 provision of this subdivision or the required elevation standards; 10 2. Determination by the appropriate reviewing board that: 11 a. Failure to grant the variance would result in exceptional hardship due to the physical 12 characteristics of the land that render the lot undevelopable; increased costs to satisfy the 13 requirements or inconvenience do not constitute hardship; 14 b. The granting of a variance will not result in increased flood heights, additional threats to 15 public safety, extraordinary public expense, nor create nuisances, cause fraud on or 16 victimization of the public or conflict with existing local laws and ordinances; and 17 c. The variance is the minimum necessary, considering the flood hazard, to afford relief. 18 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in 19 the office of the clerk of the court in such a manner that it appears in the chain of title of the 20 affected parcel of land; and 21 4. If the request is for a variance to allow construction of the lowest floor of a new building, or 22 substantial improvement of a building, below the required elevation, a copy in the record of a 23 written notice from the floodplain administrator to the applicant specifying the difference 24 between the base flood elevation and the proposed elevation of the lowest floor, stating that 25 the cost of federal flood insurance will be commensurate with the increased risk resulting from 26 the reduced floor elevation, and stating that construction below the base flood elevation 27 increases risks to life and property. 28 Section 30-8.31. Violations. 29 A. Violations. Any development that is not within the scope of the Florida Building Code but that is 30 regulated by this subdivision that is performed without an issued permit, that is in conflict with an 31 issued permit, or that does not fully comply with this subdivision, shall be deemed a violation of this 32 subdivision. A building or structure without the documentation of elevation of the lowest floor, 33 other required design certifications, or other evidence of compliance required by this subdivision or 34 the Florida Building Code is presumed to be a violation until such time as that documentation is
- 35 provided.
- B. Authority. For development that is not within the scope of the Florida Building Code but that is
   regulated by this subdivision and that is determined to be a violation, the floodplain administrator is
   authorized to serve notices of violation or stop work orders to owners of the property involved, to
   the owner's agent, or to the person or persons performing the work.

Composite Exhibit A Article VIII Page **89** of **105**  C. Unlawful continuance. No person shall continue any work after having been served with a notice of
 violation or a stop work order, except such work as that person is directed to perform to remove or
 remedy a violation or unsafe condition.

### 4 Section 30-8.32. Buildings and Structures.

- A. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.
   Pursuant to Subsection 30-8.27.C. of this subdivision, buildings, structures, and facilities that are
   exempt from the Florida Building Code, including substantial improvement or repair of substantial
- 8 damage of such buildings, structures and facilities, shall be designed and constructed in accordance
- 9 with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt
   10 from the Florida Building Code that are not walled and roofed buildings shall comply with the
- 11 requirements of Section 30-8.38 of this subdivision.

# 12 Section 30-8.33. Subdivisions.

- A. *Minimum requirements*. Subdivision proposals, including proposals for manufactured home parks
   and subdivisions, shall be reviewed to determine that:
- Such proposals are consistent with the need to minimize flood damage and will be reasonably
   safe from flooding;
- All public utilities and facilities such as sewer, gas, electric, communications, and water systems
   are located and constructed to minimize or eliminate flood damage; and
- Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks
   and subdivisions, lies within a flood hazard area, the following shall be required:
- Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood
   elevations, as appropriate, shall be shown on preliminary plats and final plats;
- Where the subdivision has more than 50 lots or is larger than five acres and base flood
   elevations are not included on the FIRM, the base flood elevations determined in accordance
   with Subsection 30-8.28.B.1. of this subdivision; and
- Compliance with the site improvement and utilities requirements of Section 30-8.34 of this
   subdivision.

# 31 Section 30-8.34. Site Improvements, Utilities, and Limitations.

- 32 A. *Minimum requirements*. All proposed new development shall be reviewed to determine that:
- Such proposals are consistent with the need to minimize flood damage and will be reasonably
   safe from flooding;
- All public utilities and facilities such as sewer, gas, electric, communications, and water systems
   are located and constructed to minimize or eliminate flood damage; and
- Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO,
   adequate drainage paths shall be provided to guide floodwaters around and away from
   proposed structures.

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- 1 D. *Tank inlets and vents*. Tank inlets, fill openings, outlets and vents shall be:
- At or above the design flood elevation or fitted with covers designed to prevent the inflow of
   floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads,
   including the effects of buoyancy, during conditions of the design flood.

### 6 Section 30-8.38. Other Development.

- A. General requirements for other development. All development, including man-made changes to
   improved or unimproved real estate for which specific provisions are not specified in this subdivision
   or the Florida Building Code, shall:
- 10 1. Be located and constructed to minimize flood damage;
- Meet the limitations of Subsection 30-8.34.D. of this subdivision if located in a regulated
   floodway;
- Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads,
   including the effects of buoyancy, during conditions of the design flood;
- 15 4. Be constructed of flood damage-resistant materials; and
- Have mechanical, plumbing, and electrical systems above the design flood elevation, except that
   minimum electric service required to address life safety and electric code requirements is
   permitted below the design flood elevation provided it conforms to the provisions of the
   electrical part of building code for wet locations.
- B. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the
   passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of
   Subsection 30-8.34.D. of this subdivision.
- C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and
   driveways that involve the placement of fill in regulated floodways shall meet the limitations of
   Subsection 30-8.34.D. of this subdivision.
- D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including
   roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel
   from one side of a watercourse to the other side, that encroach into regulated floodways shall meet
   the limitations of Subsection 30-8.34.D. of this subdivision. Alteration of a watercourse that is part of
   a road or watercourse crossing shall meet the requirements of Subsection 30-8.28.C.3. of this
   subdivision.
- 32

# 33 DIVISION 6. ENVIRONMENTAL PROTECTION AREAS

### **34** Section 30-8.39. Applicability and Effect.

A. *Effect of classification*. The wellfield, nature park and public conservation/preservation areas, and
 greenway districts are overlay district classifications. They are intended to operate in conjunction
 with the underlying zoning district for the area. The regulations of the underlying zoning district
 remain in effect except to the extent that they are modified by the provisions of the applicable
 overlay district(s).

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- B. Administration. The wellfield, nature park and public conservation/preservation areas, and
   greenway districts shall be applied and enforced like any other zoning district regulation.
- C. Extension of district boundaries. Property owners may apply for inclusion in the environmental
   overlay districts, regardless of contiguity. Such an extension or inclusion shall be subject to review
   and consideration according to the applicable terms of this article and shall be processed as a
   rezoning in accordance with this chapter. The City Commission may extend or expand districts from
   time to time in accordance with the same standards and procedures as for the original district as
   determined by the Comprehensive Plan.
- 9 D. Exclusion from district boundaries. It is a rebuttable presumption that a property qualifies for 10 inclusion within the wellfield district. Qualified properties are those that are within the zone of 11 contribution to the wellfield, as defined by the applicable water management district. Property 12 owners whose land is within the district may apply for exclusion from the district. Such an exclusion 13 shall be based on a determination made by a qualified engineer registered in the State of Florida 14 that the property is not part of the zone of contribution. This determination is subject to review and 15 consideration by the city public works department and the county office of environmental 16 protection and the public utility according to the applicable terms of this article and shall be
- 17 processed as a rezoning in accordance with this chapter.

### 18 Section 30-8.40. Wellfield District.

- A. Adoption of wellfield district. The wellfield district is delineated on the map entitled, "Map
   Displaying Community Wellfields of Gainesville, Florida," on file with the city.
- 21 B. Requirements and procedures.
- All new and existing developments shall comply with the county Murphree Well Field
   Management, Storage Tank Systems, and Hazardous Materials Management Codes, except that
   such development shall also comply with Subsection B.2. of this section.
- In the Murphree wellfield management primary and secondary zone, the installation of new septic tanks in commercial, institutional and industrial districts is prohibited.
- 27 Section 30-8.41. Nature Park and Public Conservation/Preservation Areas District.
- A. Adoption of nature park and public conservation/preservation areas district. The nature park and
   public conservation/preservation areas district is delineated on the map entitled "Nature Parks and
   Public Conservation/Preservation Areas District Map" on file with the city.
- B. Applicability. Property that lies within 400 feet of the boundary of a designated nature park and
   public conservation/preservation area is regulated as set forth in this section.
- 33 C. Requirements and procedures.
- Development plan requirements. Refer to Article III, pertaining to development plan review
   process.
- 36 2. Height limits.

37

- a. Maximum building height: 35 feet.
- 38 b. Maximum lighting height: 45 feet.
- 39 c. Maximum transmitter tower height: 80 feet.

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- Exterior lighting control. All exterior lighting shall be shielded or directed away from the park.
   No exterior lighting shall cause illumination in excess of four-tenths footcandle measured at the
   park boundary. Buildings shall not be externally illuminated on the faces fronting the park,
   except that exterior lighting of building entrances, exits or loading docks is permitted.
   Downlights shall be used for area lighting instead of full globe lights or any similar type of light
   which illuminates in all directions.
- On-site transfer of development intensity and density. In order to protect nature parks and
   public conservation/preservation areas, development intensity and density for building areas
   may be transferred from areas near the park to areas remote from the park within the same
   property or adjacent property under same ownership and zoning category.
- 11 5. Buffer/fencing. In order to avoid encroachment by invasive exotic plants, pets, livestock and 12 fowl, and yard or trash debris, new development on parcels larger than 2 acres or new subdivisions shall leave a buffer at least 25 feet in width extending from the boundary of the 13 14 nature park and public conservation/preservation area to be left in a generally undisturbed 15 native plant condition. Buffers shall remain common open space or within the boundaries of a 16 single lot or parcel. As an alternative to the buffer requirement, where sufficient justification is 17 presented (such as, but not limited to, hardship due to configuration of the property, the extensive presence of invasive exotic plants or a need to confine pets) and approved at the time 18 19 of development review, new development adjacent to a nature park and public 20 conservation/preservation area may be allowed to install and maintain a fence along the 21 property boundary between the nature park and public conservation/preservation area and the 22 development area.
- 23 D. Expansion or alteration of existing uses.
- Whenever expansion of an existing structure, independently or cumulatively, accomplished after June 10, 1992, totals 2,000 square feet or more than 20% of the gross square footage of the existing structure, whichever is less, the entire site shall be brought into compliance with this section. For the purposes of this subsection, repeated expansions or alterations of property, including the construction or erection of separate buildings or accessory structures, constructed over a period of time commencing after November 21, 1983, which meet the above threshold, shall comply with the provisions of this section.
- Any new use of property that alters the use of existing structures from a residential use to a nonresidential use, or any use of property that alters the use of property from one use to any other use, shall be required to meet all applicable requirements of this section. The City Manager's designee shall determine the applicable requirements based on the character and orientation of the proposed mixed-use development. For purposes of this subsection, nonresidential use shall mean any office, commercial, public, semipublic, institutional or industrial use, including motels and hotels.
- 38 Section 30-8.42. Greenway District.
- A. Adoption of greenway district. All designated greenways will be delineated on the map entitled,
  "Map Displaying Greenways of Gainesville, Florida" on file with the city. This map is for use only as a
  general reference for determining the location of the district. Actual affected properties will be
  identified by a list of parcels generated from the computerized GIS inventory maintained by the city.
- 43 B. Requirements and procedures.

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- Subdivisions. In addition to compliance with Subsection B.3. of this section, subdivisions shall
   comply with Article III. For cluster subdivisions, refer also to Section 30-6.7.
- 3 2. Developments other than subdivisions. For developments requiring development plan review 4 other than subdivisions, where the designated greenway corridors lie inside a floodplain or 5 required surface water or wetlands setback, whichever is more landward, the appropriate 6 review board shall determine if there is a rough proportionality between the projected impact 7 of the development on traffic and recreational needs and the nature and amount of property in 8 the development encompassing the greenway. In making this determination, the board shall 9 consider the factors listed in Section 30-6.6. If the board finds the necessary proportionality, the 10 applicant shall dedicate, to the city or a qualified agency designated by the city, a greenway 11 right-of-way which encompasses the designated greenway.
- 12 3. Greenway width and location. The minimum width of the greenway corridor shall be 15 feet. For 13 properties containing a creek, the corridor shall be at least 10 feet landward of the top of bank 14 of the creek. For properties containing a lake or wetland, the corridor shall be at least 10 feet 15 landward of the landward extent of the lake or wetland. For creeks, lakes and wetlands, the City 16 Manager or designee may require a distance greater than 10 feet when necessary to avoid 17 significant harm to creek vegetation, water quality or creek bank soils. Top of bank and landward extent shall be determined by the City Manager or designee. Reduced widths may be 18 19 approved by the City Manager or designee when necessitated by environmental or 20 infrastructure constraints. The corridor shall be located so as to correspond with the entire 21 length of the designated greenway as it passes through the subject property, and shall be 22 aligned to connect with existing or potential greenways and other bicycle/pedestrian circulation 23 systems on the parcel and on adjacent parcels.
- A. On-site transfer of development intensity and density. In order to promote or preserve the
   integrity of designated greenways, development intensity and density for building areas may be
   transferred from areas near the greenway to areas remote from the greenway within the same
   property or adjacent property under the same ownership and zoning category.
- 28 C. Credit awarded for provision of greenway.
- Increased development intensity points. Refer to the density bonus points manual as adopted by resolution of the City Commission.
- Landscape credit. Developments dedicating a greenway corridor as specified by the density
   bonus points manual are awarded a 30% reduction in the amount of tree and vegetation
   landscaping required by this chapter.
- Setback and lot coverage credit. Developments dedicating a greenway corridor may include the
   dedicated corridor as part of its setback, if the corridor would have otherwise been part of the
   setback. The area of the corridor may also be considered as open space in calculations of lot
   coverage.
- D. Demonstration of compliance for developments requiring development plan review. If a proposed development requires development plan review pursuant to this chapter, the showing of compliance with the requirements of this section shall be made in development plan review. The petition for development plan review shall provide both a hydrological report prepared by a qualified engineer registered in the State of Florida, as well as a map showing the location of the
- 43 greenway corridor as it passes through the subject property.

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# 2 DIVISION 7. RELIEF AND ENFORCEMENT

### **3** Section 30-8.43. Relief for Reasonable or Beneficial Use.

- A. Landscape and tree management. The preservation of any existing regulated tree identified on the
  Gainesville tree list as being a high quality shade species may be considered as a basis for the
  granting of a variance pursuant to the procedures established in this chapter.
- B. Surface waters and wetlands. As regards the provisions of surface waters and wetlands sections of
   this article, the following standards and measures of relief shall apply:
- An applicant may be entitled to relief in the form of a minimum beneficial use if he/she
   demonstrates that private property rights are vested in accordance with the procedures and
   provisions set forth in Article X. The relief which the applicant may receive shall be as follows:
- 12a. The city may purchase the land from the owner for an amount based upon an appraisal13completed by an M.A.I. appraiser to be selected and paid by the city. If the owner desires a14review of this M.A.I. appraisal, the owner may select a reviewer and the city will provide and15pay for such a review. The appraised value of the land shall not be affected by consideration16of the provisions of this article; or
- b. The Development Review Board may grant a variance from the provisions of this article to
  the minimum extent necessary to allow reasonable development in accordance with the
  provisions of this chapter.
- 20 2. Emergency procedure for surface waters and wetlands. The owner of any real property affected by this article may file written application with the City Manager or designee in order to 21 22 undertake emergency measures to prevent damage to any of the regulated creeks, lakes or 23 wetlands. The enforcing official may grant authorization to the property owner that will 24 expedite the city's effort to protect the public health, safety and welfare. The authorization for 25 emergency action is temporary only and shall expire within 60 calendar days or upon the next 26 regularly scheduled meeting of the Development Review Board, whichever is sooner. Upon 27 receipt of temporary emergency authorization, the recipient shall apply to the Development 28 Review Board for authorization for any permanent measures. The authorization by the city will 29 not relieve the property owner from securing any necessary state permits prior to 30 commencement of work.
- C. *Floodplain management*. As regards to floodplain management provisions of this article, the
   Development Review Board may issue a variance in accordance with the provisions of this chapter
   and the following provisions:
- Criteria for relief. In addition to the relief provisions of this chapter, the following criteria for relief shall apply:
- 36 a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- 38 c. The susceptibility of the proposed facility and its contents to flood damage and the effect of
   39 such damage on the individual owner;
- 40 d. The importance of the services provided by the proposed facility to the community;

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1		e.	The necessity to the facility of a waterfront location, where applicable;			
2		f.	The compatibility of the proposed use with existing and anticipated development;			
3 4		g.	The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;			
5 6		h.	The availability of alternative locations not subject to flooding or erosion damage for the proposed use;			
7		i.	The safety of access to the property in times of flood for ordinary and emergency vehicles;			
8 9		j.	The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and			
10 11 12		k.	The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.			
13 14 15 16	2.	Upo floc con sect	Upon consideration of the factors of Subsection C.1. of this section, and the purpose of the floodplain management sections of this article, the Development Review Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these sections.			
17 18 19	3.	The City Manager or designee shall maintain the records of all appeal actions, including technical information, and report any variances to the federal insurance administrator (Federal Emergency Management Administration), upon request.				
20 21	4.	Variances shall not be issued within any regulatory floodway if any increase in flood levels would result during a base flood discharge. Conditions for variances are as follows:				
22 23 24 25 26		a.	Variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to, and surrounded by, lots with existing structures constructed below the base flood level, providing the factors of Subsection C.1. of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.			
27 28 29 30 31		b.	Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of these sections upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure.			
32 33		c.	Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.			
34		d.	Variances shall only be issued upon:			
35			i. A showing of good and sufficient cause;			
36 37			ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and			
38 39			iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances,			

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1 2		cause fraud on or victimization of the public, or conflict with the local government's Comprehensive Plan or with other existing local laws or ordinances.
3 4 5 6		e. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
7 8 9 10	5.	Special use permit. The City Plan Board may grant a special use permit in accordance with the procedures provided in Article III to allow any of the permitted use listed in Section 30-8.30 regardless of the zoning district in which the parcel is located, provided the board makes the following findings:
11 12		<ul> <li>A showing that no use permitted within the applicable zoning district can reasonably be conducted in accordance with the provisions of this chapter;</li> </ul>
13 14		b. A showing that the parcel cannot be combined with a contiguous parcel under the same ownership and thereby used in conformity with the applicable zoning regulations; and
15 16 17 18		c. A determination that the granting of a special use permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing laws and ordinances.
19 20		The City Plan Board shall also consider all relevant factors, standards specified in other sections of this chapter, and:
21 22 23		d. The size of the parcel, and whether it was platted as a lot suitable for development or otherwise established and recognized by the city as an individual lot suitable for development;
24		e. The danger that materials may be swept onto other lands causing injury to others;
25		f. The danger to life and property due to flooding or erosion damage;
26 27		g. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
28 29		<ul> <li>The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;</li> </ul>
30		. The safety of access to the property in times of flood for private and emergency vehicles;
31 32		The expected heights, velocity, duration, rate of rise and sediment transport of the potential floodwaters and the potential effects of wave action, if applicable, expected at the site;
33 34 35		k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as power, gas, electrical and water systems, and streets and bridges; and
36		. The compatibility of the proposed use with nearby properties and uses.
37 38 39 40		Upon consideration of the factors in this section and the purposes of this chapter, the City Plan Board may attach such conditions and restrictions upon the special use permit, including a imitation of the extent or type of uses permitted, as it deems necessary to further the purposes of this chapter.

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- **1** Section 30-8.44. Violations, Enforcement and Penalties.
- A. Stormwater management. As regards the provisions of the stormwater management sections of this
   chapter:
- Stormwater facilities shall function as per the approved final development plan/final plat.
   Failure to comply with this provision shall be a violation of this Code.
- During construction if the City Manager or designee observes that the stormwater facilities are
  not functioning in accordance with the permitted site plan or subdivision construction design
  plan, in addition to other remedies provided for in this section, no certificate of occupancy shall
  be issued until such time as the facilities are corrected and are functioning properly.
- Any stormwater facility that is found by the City Manager or designee to be contributing to mosquito control problems is in violation of this article and the property owner shall immediately correct the problem at the owner's expense.
- 13 4. Prior to construction of a stormwater facility, a pollution prevention plan shall be submitted to 14 the City Manager or designee for approval. The pollution prevention plan shall detail specific 15 best management practices for installation on a construction site and that when installed have 16 the net effect of preventing a deposit, obstruction, damage or process problem to any of the 17 city's stormwater management facilities or to the surface waters of the state. If such deposit, 18 obstruction, damage or process problem occurs this occurrence shall be a violation of this article 19 and the property owner shall cause the deposit or obstruction to be immediately removed or 20 cause the damage or process problem to be immediately repaired.
- Discharge from any facility that causes a deposit, obstruction, damage or process problem to
   any of the city's stormwater management facilities or to the surface waters of the state is a
   violation of this article and the property owner shall cause the deposit or obstruction to be
   immediately removed or cause the damage or process problem to be immediately repaired.
- Any temporary or permanent erosion or sedimentation control device that is unable to perform
   continuous effective control shall be a violation of this article and the property owner shall
   immediately correct the control device so that it performs continuous effective control. Such
   correction or repair shall be taken at the owner's expense.
- If an approved maintenance plan is not being adhered to, the property owner shall be in
   violation of this article and shall immediately resume adherence to the approved maintenance
   plan.
- Should any person violate the provisions of this section, the City Manager or designee shall
   require the violator to take corrective measures. In the event the violator does not immediately
   correct the violation, the city may, depending upon the severity of the violation, take the
   following actions:
- 36 a. If the City Manager or designee finds a violation of this article or a violation of any provision 37 of a property owner's pollution prevention plan, which has been provided to the city, is not 38 immediately rectified, the City Manager or designee shall notify the property owner of the 39 violation within five calendar days of inspection and shall give the property owner a 40 reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the City Manager or designee shall issue a notice of violation to the 41 42 alleged violator and shall notify the code enforcement board to request a hearing. The 43 board, through its clerical staff, shall schedule a hearing, and written notice of such hearing

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- shall be hand delivered or mailed to the property owner as provided in Section 2-390 of the
  Code of Ordinances. In the case of notice provided under Subsection 2-390(a), notice shall
  be given at least seven calendar days in advance of the hearing, not counting the day of the
  hearing. If the violation is corrected and then recurs or if the violation is not corrected by
  the time specified for correction by the inspector, the case may be presented to the board
  even if the violation has been corrected prior to the board hearing.
- 7 b. Notwithstanding any other provision of this section, if the City Manager or designee finds a 8 violation of this article in relation to a city-issued permit or finds a violation of the pollution 9 prevention plan has occurred that presents an imminent risk to the environment, the City 10 Manager or designee may issue a cease and desist order for any and all development on the site related to the permit. Any person receiving such an order for cessation of operations 11 12 shall immediately comply with the requirements thereof. It shall be a violation of this Code 13 for any person to fail to or refuse to comply with a cease and desist order issued once 14 written notice of the cease and desist order is delivered by hand delivery or by certified 15 mail, return receipt requested, to the person to whom the permit is issued.
- 16If the City Manager or designee issues a cease and desist order pursuant to this Code, the17property owner shall immediately cease all work on the site until the violation is corrected18or mitigated. The property owner shall have the right to appeal to the appropriate reviewing19authority the administrative decision of the City Manager or designee to issue a cease and20desist order and shall show cause why the cease and desist order should be lifted. Any21appeal shall not stay the cease and desist order.
- 8. The City Manager or designee may enter into consent agreements, assurances or voluntary
   compliance documents establishing an agreement with any user responsible for noncompliance.
   Such documents shall include specific action to be taken by the user to correct the
   noncompliance within the time period as specified in the document. Such documents may
   provide for judicial enforcement.
- 9. In addition to all remedies provided above, in the event of failure to comply with any
  requirement of this section or in the event a violation of this section is occurring in the absence
  of a city-issued permit, the City Manager may request the City Attorney's office seek injunctive
  relief in a court of equitable jurisdiction so that the property owner will cease any and all activity
  on the site.
- The remedies provided in this section shall not be exclusive, and are in addition to any other
   remedies available to the county, state or federal government; and the city may seek whatever
   remedies are authorized in Code against any person or user for violating the provisions of this
   section.
- B. Landscape and tree management. As regards the provisions of the landscape and tree management
   sections, the enforcing official shall regularly inspect properties within the city to determine
   whether the areas devoted to landscape materials are in accordance with the provisions of these
   sections. Whenever the enforcing official finds any violation of the provisions of the landscape and
   tree management sections, he/she shall institute enforcement proceedings as follows:
- Notice. The enforcing official shall issue a code violation to the owner of the property which
   shall be given either by personal delivery or by deposit in the United States mail in an envelope
   marked certified mail, postage prepaid, addressed to the owner as listed on the current tax
   assessor's tax roll. The notice of code violation shall include:

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1		a. /	A location of the property either by street address or legal description.	
2 3		b	A statement indicating the nature of the violation and the reason or reasons why the notice of violation is issued.	
4 5		с	A specification of the subsection or subsections of the landscape and tree management sections upon which the notice of violation is based.	
6 7 8 9		d.	If corrective action will bring the areas devoted to landscape materials into compliance with these sections, a statement of the nature and extent of such action, repairs or alterations necessary to remedy the violation in accordance with the performance standards provided in Subsection B.4. of this section.	
10 11		e.	If corrective action is necessary for compliance, the city shall specify the time for performing such action, such time not to be less than 10 nor more than 90 calendar days.	
12		f.	The name or names of persons upon whom the notice of violation is served.	
13		g. /	A statement advising that the city may institute legal proceedings as provided herein.	
14 15		h	A statement advising of the procedures available for review of the action of the enforcing official as set out in Article III and Section 30-8.11.	
16 17 18	2.	<i>Appe</i> enfo to st	<i>eals and variances</i> . An appeal to the appropriate reviewing authority of the decision of the brcing official or a petition for variance as provided in this chapter, if applicable, shall operate tay further proceedings by the enforcing official until final disposition.	
19 20 21 22	3.	<i>Failure to comply</i> . If corrective action is not taken within the time specified in the notice of violation, or if an appeal is taken and corrective action is not taken in accordance with the decision of the appropriate reviewing authority, then the enforcing official may institute further proceedings as provided by the enforcement provisions of this chapter.		
23	4.	Perf	formance standards. Performance standards for regulated trees shall be as follows:	
24 25 26 27 28		a.	<i>Purpose</i> . In order to assist the enforcing official, the code enforcement board and/or appropriate judicial forum in remedying a violation of the landscape and tree management sections of this article and ordering appropriate corrective action against any violation of these sections, there are adopted the following performance standards which meet the objectives of these sections.	
29		b.	Minimum requirements.	
30 31 32 33 34 35 36 37		i	i. A tree that was established in compliance with a development order but which has been removed from the site or has died shall be replaced with a tree that meets the requirements of this article. The species should be the same as specified on the approved landscaping plan. If a different species is desired, it shall fill the required function – for example, a small flowering tree cannot replace a high quality shade tree. Whenever required street trees are removed to allow for infrastructure improvement projects along a street, they shall be replaced by the entity responsible for the improvement project.	
38 39 40		i	ii. High quality heritage trees shall be used as mitigation trees for any trees that were removed without a permit. Mitigation trees should be planted on site in all the	

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1 2		determined by the City Manager or designee, be established on othe within the city limits or may be given to the city tree-planting program	r appropriate sites n.
3 4		<ul> <li>All replacement or mitigation trees shall be nursery-grown trees. The and burlapped, tree spaded or containerized.</li> </ul>	y may be balled
5 6 7 8 9		Replacement or mitigation trees shall be located in approximately the the regulated tree that has died or has been removed from the site, u does not meet utility separation requirements or would conflict with requirements in the chapter in which event the location shall be dete Manager or designee.	e same location as inless such location other rmined by the City
10 11 12		<ul> <li>Replacement or mitigation trees may only be planted during the mor through March, unless the trees are containerized or the site is serve irrigation system.</li> </ul>	ths of November d by an automatic
13 14 15 16 17 18		The total sum of the caliper inches of replacement or mitigation trees minimum, to the total sum of the caliper inches of the regulated tree removed without a permit. If a tree removed without a permit was a heritage tree, then the required mitigation shall be double what is re mitigation in this article. It shall be assumed that the tree removed w was in fair or better condition.	s shall equal, at a s which were high-quality quired as in vithout a permit
19 20 21 22 23 24	5. <i>Rei</i> act det one enf ow	pection. The enforcing official shall inspect the property upon completion or order issued pursuant to the landscape and tree management section mine compliance. The enforcing official shall then reinspect the propert month thereafter and then at four-month intervals to ensure compliance cing official determines that the corrective action is not successful, he/s r and/or resident of the property as provided in Subsection B.1. of this s	on of all corrective ons of this article to y approximately e. If at any time the he shall notify the rection.
25 26 27 28 29 30 31	C. Surface shall be provision of this of 2 of this the even the viol	vaters and wetlands; natural and archaeological resources. The City Man esponsible for the enforcement of these regulations. Should any person s of the surface waters and wetlands or the natural and archaeological r apter, in addition to the provisions, requirements, and penalties stated a hapter, the city will require appropriate corrective measures be taken b the violation is not corrected by the violator, the city may, depending u ion, take the following actions:	ager or designee violate the esources sections at Article I, Division y the violator. In pon the severity of
32 33 34 35 36 37 38 39 40	<ol> <li>For of t cha pur wri pro pro spe imr</li> </ol>	violation of any condition imposed pursuant to a permit or for a violation e surface waters and wetlands or the natural and archaeological resource er, the City Manager or designee may revoke, in whole or in part, any per ant to this Code. In the event the City Manager or designee chooses to the notice of the intent of the City Manager or designee to revoke such p ded to the property owner, setting forth the specific reasons for the reve erty owner shall have the right to appear before the City Manager at a ti fied in such notice to show cause why the permit issued to the owner sha diately revoked.	on of the provisions es sections of this ermit issued revoke a permit, ermit shall be ocation. The me and date ould not be
41 42 43 44	2. If th afte ow The	City Manager or designee determines to revoke a permit issued pursua the notice and appearance procedure as provided in subparagraph a., a r shall immediately cease all work on the site until the violation is correc roperty owner shall have the right to appeal the administrative decision	nt to this Code, bove, the property cted or mitigated. of the City

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- Manager to the appropriate reviewing authority and shall show cause why the permit issued to
   the owner should be reinstated.
- 3 3. If the City Manager or designee determines an imminent risk to the environment or natural and 4 archaeological resources exists due to a violation of conditions imposed pursuant to the permit 5 or due to a violation of the provisions of the surface waters and wetlands or the natural and archaeological resources sections of this chapter, the City Manager or designee may issue a 6 7 cease and desist order for any and all development on the site. Any person receiving such an 8 order for cessation of operations shall immediately comply with the requirements thereof. It 9 shall be a violation of this Code for any person to fail to or refuse to comply with a cease and 10 desist order issued once written notice of the cease and desist order is delivered by hand delivery or by certified mail, return receipt requested, to the person to whom the permit is 11 12 issued or, in the absence of a permit, to the owner of the property.
- 4. For any site where work has commenced and a permit has not been obtained but is required 13 14 pursuant to this Code, the City Manager or designee may issue a cease and desist order for any 15 and all development on the site. Any person receiving such an order for cessation of operations 16 shall immediately comply with the requirements thereof. It shall be a violation of this Code for 17 any person to fail to or refuse to comply with a cease and desist order issued once written notice of the cease and desist order is delivered by hand delivery or by certified mail, return 18 receipt requested, to the person to whom the permit is issued or, in the absence of a permit, to 19 20 the owner of the property.
- 5. In the event of failure to comply with the revocation of a permit or a cease and desist order or in
  the event of failure to comply with the surface waters and wetlands or the natural and
  archaeological resources sections of this chapter or in the event a violation of these sections is
  occurring in the absence of a city-issued permit, the City Manager may request the City
  Attorney's office seek injunctive or declaratory relief in a court of equitable jurisdiction so that
  the property owner will cease any and all activity on the site.
- 6. The City Manager or designee may enter into consent agreements, assurances or voluntary
  compliance documents establishing an agreement with any property owner responsible for
  noncompliance, subject to approval by the City Attorney as to form and legality. Such
  documents shall include specific action to be taken by the property owner to correct the
  noncompliance within the time period as specified in the document. Such documents may
  provide for judicial enforcement.
- 7. The remedies provided in this section are not exclusive and the city may seek whatever
  remedies are authorized in this code or available in law against any person or entity for violating
  the surface waters and wetlands or the natural and archaeological resources sections of this
  chapter. These remedies are also in addition to any remedies available to other local, state or
  federal regulatory authorities.
- D. *Floodplain Management*. As regards the floodplain management provisions of this article, and in
   addition to the provisions stated in Article VIII:
- Violation of the provisions of this section or failure to comply with its requirements, including
   violation of conditions and safe guards established in connection with grants of variance or
   special exceptions, is punishable as provided in Section 30-1.9. In addition, the city shall seek all
   costs and expenses involved in prosecuting the case. Each day such violation continues shall be
   considered a separate offense. Nothing herein contained shall prevent the City Manager or

Composite Exhibit A Article VIII Page **104** of **105**  designee from taking such other lawful actions as is necessary to prevent or remedy any
 violation.

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PLANNING DEPARTMENT PO Box 490, Station 11 GAINESVILLE, FL 32602-0490

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### TO: City Plan Board

Item Number: 1

FROM: Planning Department Staff

DATE: August 26, 2010

SUBJECT:Petition PB-09-116 PDV.<br/>Legacy Fountains, LLC. Rezone property from PS (Public services and<br/>operations district) to PD (Planned development district) to allow a<br/>residential, commercial, office and retail development. Located at 1420,<br/>1424, 1428, 1432 Southwest 52<sup>nd</sup> Street. Related to Petition PB-09-115 LUC.

### Recommendation

Staff recommends that Petition PB-09-116 PDV be approved with the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.



Petition PB-09-116 PDV August 26, 2010

#### Description

This is a request to rezone 5.07 (MOL) acres of land from PS (Public service and operations district) to PD (Planned development district) to allow a neighborhood-scale, mixed-use development. The City of Gainesville is also considering an associated small-scale land use amendment (Petition PB-09-115 LUC) that will change the existing REC (Recreation) land use category to PUD (Planned Use District). According to Policy 4.1.1 of the Future Land Use Element, PD (planned development) zoning is required to implement the PUD land use category.

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The subject property, which was annexed in 1992, consists of two tax parcels (Tax Parcel No. 06680-003-000 and Tax Parcel No. 06680-003-001) that are currently undeveloped. A tree canopy exists on a portion of the subject property, while large utility easements extend along the northern and western boundaries. Southwest 20<sup>th</sup> Avenue abuts on the north. Undeveloped land that is wooded abuts on the south. Southwest 52<sup>nd</sup> Street abuts on the east. U.S. Interstate 75 (1-75) abuts on the west.

Surrounding the subject property is land primarily zoned for multi-family residential development. This includes the multi-family residential PD (The District) located immediately north. One exception is City-owned property located on the north side of Southwest 20<sup>th</sup> Avenue, just east of I-75. This property is within a PS (Public services and operations district) zoning district and is used for utility purposes. (See the Location Map on Page 1.)

At least 25 percent of the subject property shall be preserved as open space to comply with the City's Upland Area set-aside requirements in Policy 1.1.1 f. of the Conservation, Open Space & Groundwater Recharge Element. The set-aside area shall be used to preserve a native plant species (i.e., Godfrey's Privet) on the subject property, along with a remnant of hardwood forest (i.e., Sugarfoot Hammock) that is unusual for this area of Florida. Wetlands, floodplains and significant historical/archeological resources do not impact the subject property.

As a part of Zone B of the City's Transportation Concurrency Exception Area (TCEA), development on the subject property shall comply with the concurrency requirements for transportation and stormwater management. Special volume requirements applicable to stormwater management facilities within the Hogtown Creek Basin must be met. And, since the subject property is also located within the University of Florida (UF) Context Area, a contribution of funds must be made towards transit service for new multi-family development. (See Stormwater Management Element, Policy 1.1.1 and Concurrency Management Element, Objective 1.1, and Policies 1.1.5, 1.1.6, and 1.1.14.)

The proposed PD allows multi-family residential dwelling units and non-residential uses on the subject property. All of the allowable uses are permitted by right. The allowable uses will be housed in buildings that are up to 3 stories in height. The buildings will be designed to accommodate a vertical and horizontal mix of the allowable uses based on traditional design standards. The buildings may also be attached or detached.

The proposed PD provides transportation choices that consist of sidewalks, bike racks, and offstreet parking spaces. Two nearby bus routes (i.e., Routes 20 and 21) and bus shelters are available to meet transit needs. Sidewalks and walking paths will connect internally and to adjoining right-of way. Only one primary driveway connection on Southwest 52<sup>nd</sup> Street is allowed. However, the proposed PD provides for a future secondary driveway connection and pedestrian connections to the parcel abutting on the south.

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Within the proposed PD, open space will consist of stormwater management facilities, landscape buffers, and the areas set-aside to meet the Upland Area requirements in Policy 1.1.1. of the Conservation, Open Space & Groundwater Recharge Element. Outdoor activity areas and walking paths will be provided to meet recreational needs.

Further details of the proposed PD are shown on the PD Layout Plan Map, and within the PD Report, that have been filed in association with this petition. (See Appendix C.)

#### **Key Issues**

A portion of the subject property must be dedicated for right-of-way as a result of future plans to improve Southwest 20<sup>th</sup> Avenue and the Southwest 62<sup>nd</sup> Boulevard/Southwest 52<sup>nd</sup> Street Corridor. Although the perimeter of the subject property is proposed as open space, the loss of land to right-of-way will further reduce the amount of developable area on the subject property, which is already constrained by utility easements and environmental features.

In addition, the applicant has not received permission from Progress Energy to use the utility easement that runs parallel to Southwest 20<sup>th</sup> Avenue. Failure, on the part of the applicant, to present evidence that permission has been granted prior to the City Commission considering this petition violates Section 30-217 of the Land Development Code. If Progress Energy denies the applicant permission to use the utility easement after this petition is considered, the applicant may have to revisit the public hearing process to modify the PD ordinance and related documents, if required by the City Commission. (See Appendix C.)

Finally, the applicant has not submitted evidence to staff indicating the non-residential portion of the proposed PD meets all of the Comprehensive Plan level-of-service standards. As a result, one of the recommended conditions of approval for the associated land use amendment requires the applicant to submit the evidence prior to the adoption of the PUD land use ordinance.

#### Justification

The applicant must provide evidence to justify the proposed PD rezoning using one or more of the criteria listed in Section 30-213 of the Land Development Code. The applicant has addressed the criteria in the associated PD Report, while staff's findings are listed below:

(1) Unique and promoted by comprehensive plan. The proposed development is unique. Although it does not fit within an existing zoning district, it is consistent with the city comprehensive plan, except it may require a land use change. Other options available under the existing zoning district(s) in the city land development code would not allow the use and associated design elements of the proposed project.

**FINDING:** The proposed PD is unique because of the extent to which it must accommodate utility easements, roadway improvements and environmental regulations compared to other developments in the surrounding area. These development constraints impact nearly half of the subject property.

Despite the above, the proposed PD shows consistency with the Comprehensive Plan by allowing a compatible mix of needed services in one location that is accessible by foot, bike, car and transit. The proposed PD also provides for the protection of significant environmental features and open space. Traditional design standards are included in the

Copies of the goals, objectives and policies of the Comprehensive Plan and sections of the Land Development Code referenced throughout this report are provided in Appendix A and B, respectively.

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PD to facilitate development that is pedestrian oriented, architecturally compatible and aesthetically pleasing.

The existing PS zoning that has been applied to the subject property allows public and private facilities that serve and are used directly by the public, such as the U.S. Post Office; amusement parks; libraries; etc. Most of the allowable uses in the proposed PD are permitted by right within the MU-1 (Mixed-use low intensity district) zoning district, and are not consistent with the purpose and intent of the PS zoning district. Some of the allowable uses (e.g., *Cultural, Civic or Service and Passive Recreation*) listed in the PD Report will need definitions, since they are not defined within the City Land Development Code or Standard Industrial Classification Manual. All of the allowable uses must be consistent with the associated land use amendment; therefore, a neighborhood shopping center is incompatible.

Unlike other zoning districts in the Land Development Code, PD zoning provides the applicant the flexibility needed to obtain reasonable use of the subject property while also addressing development constraints. A good example of this occurs along the southern boundary, where a building setback and Upland set-aside area will co-exist. The Progress Energy utility easement shifts development away from Southwest 20<sup>th</sup> Avenue and towards abutting residential medium land use to the south. PD zoning allows the applicant to comply with the Upland Area requirements of the Comprehensive Plan and request a smaller building setback from the southern boundary, so that the buildable portion of the subject property is not further reduced to less than 200 feet in depth. Although the building setback is smaller, as an Upland set-aside area, it provides a buffer along the southern boundary that is wider than the 9 ft. to 20 ft. buffer that would normally be required in other zoning districts to separate mixed-use development from residential medium land use. The mature vegetation to be preserved within the buffer, such as the Godfrey's Privet and hardwood forest, will provide immediate benefits to the surrounding area.

(2) Size, scale, complexity and design. The proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PD process.

**FINDING:** In other zoning districts, the applicant would have to obtain the approval of at least two (2) separate advisory boards to reduce a required building setback and also obtain development approval. The PD process, however, allows the applicant to obtain approval for both requests solely from the City Commission, which is both convenient and efficient.

(3) Specialized compatibility and design characteristics. The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies.

**FINDING:** The subject property is located within the City's Upland Area. As a result of an ecological survey, Godfrey's Privet and remnants of the Sugarfoot hammock hardwood forest were found on the subject property. According to Policy 1.1.1. f. of the Conservation, Open Space & Groundwater Recharge Element, at least 25 percent of the subject property must be preserved as open space to protect these environmental features. The PD process will allow the applicant to provide the required Upland set-aside areas on

the subject property and achieve a buildable area large enough to accommodate the proposed PD.

#### **Basis for Recommendation**

The staff recommendation is based on the following criteria for PD (Planned development district) approval in Section 30-216 of the City Land Development Code:

- 1. Conformance with the PD objectives in Section 30-211(b) and the Comprehensive Plan
  - (1) Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.

**FINDING:** The proposed PD allows a vertical and horizontal mix of multifamily residential dwelling units and nonresidential uses intended to serve the surrounding area. The allowable uses will be housed in buildings designed in accordance with traditional design standards (i.e., facade articulation, small street setbacks (SW 52<sup>nd</sup> Street), and street orientation). Residents and non-residents will be provided transportation choices consisting of sidewalks, walking paths, bike racks and vehicle parking facilities. Sidewalk and driveway connections will be provided to abutting properties. There will be no internal streets, and only one primary means of ingress and egress on Southwest 52<sup>nd</sup> Street will be allowed.

(2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.

**FINDING:** The proposed PD allows a variety of uses to meet changing market demands and consumer needs. The allowable uses consist of multi-family dwellings, office, retail and commercial uses. The proposed PD also provides transportation choices, such as sidewalks, bike racks, walking paths and vehicle parking. Existing bus routes (Route 20 and Route 21) and bus shelters, located nearby in the surrounding area, will meet transit needs.

(3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.

**FINDING:** The subject property contains a native plant species (i.e., Godfrey's Privet), and a remnant of hardwood forest (i.e., Sugarfoot Hammock) that is unusual for this area of Florida. The proposed PD will preserve these significant environmental features within set-aside areas in accordance with the Upland Area requirements of Policy 1.1.1. f. of the Conservation, Open Space & Groundwater Recharge Element. The Upland set-aside areas will further serve as landscape buffers, as well as aesthetic and educational features.

(5)

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(4) Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.

**FINDING:** Existing utility easements and environmental features will force development towards the center of the subject property and create compact development. Compact development will help lower the cost of providing both internal and external utility connections. Vehicle and pedestrian connections that link to public transportation facilities in the surrounding area will provide an efficient transportation system to visitors and residents. An internal street system is not proposed.

In addition, the applicant proposes to use xeriscaping and energy star mechanical equipment to achieve energy efficiency within the proposed PD. Other energy efficient and cost-saving measures proposed within the PD are window awnings, breezeways, and the use of natural light within buildings.

Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.

**FINDING:** The subject property is one of two vacant parcels located at the intersection of Southwest 20<sup>th</sup> Avenue and the Southwest 62<sup>nd</sup> Boulevard/ Southwest 52<sup>nd</sup> Street Corridor. Therefore, the proposed PD represents infill development within an urban area largely developed with multi-family residential dwelling units.

Within the accompanying PD Report, the applicant proposes design elements and standards that will apply to buildings and other structures within the PD. The purpose of the design elements and standards is to achieve uniform development on the subject property that is aesthetically pleasing and compatible with the surrounding area.

(6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.

**FINDING:** The proposed PD allows up to four buildings on the subject property. Buildings can be up to three (3) stories (or 50 feet) in height, which is consistent with the height of buildings in adjacent multi-family residential developments. Buildings may also be attached or detached. Conceptual architectural renderings that illustrate potential variations in the height, scale and style of proposed buildings are provided in Appendix C.

(7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, an formal landscaping along streets and sidewalks.

**FINDING:** The design standards of the proposed PD will be consistent with the building orientation standard of the Central Corridor Special Area Plan. The applicant also proposes to use a variation of the building wall articulation standard

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of the Central Corridor Special Area Plan that will distribute the minimum amount of glazing required at ground level (i.e., 25 percent) to each level of the building façade facing the more primary street. Off-street parking, sidewalks and formal landscaping along streets will be provided in accordance with the Land Development Code.

Due to the Progress Energy utility easement located along Southwest 20<sup>th</sup> Avenue, the provision of front porches in the proposed PD will not be meaningful. Also, there is also no internal street system proposed within the PD to warrant consideration of terminated vistas, alleys, narrow streets or connected streets.

#### 2. Concurrency

The subject property is located in Zone B of the City's Transportation Concurrency Exception Area (TCEA). Therefore, the applicant must sign a TCEA Zone B Agreement (or transportation mitigation agreement) to mitigate transportation impacts in accordance to Concurrency Management Element Policy 1.1.6 standards. The applicant must also contribute funds towards transit service for any new multi-family development, since the subject property is located within the University of Florida (UF) Context Area.

In order to receive concurrency approval for stormwater management, the proposed PD must comply with the criteria set forth in Section 30-270 of the Land Development prior to development plan approval.

#### 3. Internal compatibility

To achieve internal compatibility within the proposed PD, the applicant proposes a complimentary mix of multi-family residential dwelling units and nonresidential uses. An integrated traffic circulation system is proposed to make internal travel convenient and safe. Landscape material is proposed internally for aesthetic reasons and to provide shade. Open space areas are proposed to allow a separation between uses, and to meet the stormwater management and recreation needs of the proposed PD.

#### 4. External compatibility

Landscaped areas will be provided along the perimeter of the subject property to protect the proposed PD from noise and other nuisances that may occur on adjacent properties. Utility easements and Upland set-aside areas on the subject property will also act as buffers.

An allowable density of up to two (2) dwelling units per acre will create fewer vehicular trips on adjacent roadways than the allowable residential medium density on adjacent properties. Fewer vehicular trips will help to reduce congestion on the adjacent roadways and associated environmental impacts.

The proposed PD allows only one primary driveway connection, which will be located on Southwest 52<sup>nd</sup> Street. Interconnecting sidewalks will link to sidewalks in the public right-of-way. Both features will enhance pedestrian travel and reduce conflicts between traffic entering and leaving the proposed PD and other roadway traffic. For these reasons, the applicant has also proposed a secondary driveway connection and pedestrian connections to the abutting residential medium land use to the south.

In addition, the applicant proposes traditional design standards and elements to make buildings attractive and architecturally compatible with the surrounding area. The proposed PD allows buildings up to three (3) stories in height to match the height of two (2) to three (3) story buildings on adjacent residential medium properties.

#### 5. Intensity of development

The associated land use amendment allows a density of up to ten (10) dwelling units (20 bedrooms), or up to two (2) dwelling units per acre. The proposed density is less than the 8-30 dwelling units per acre allowed in the MUL (Mixed-Use Low Intensity land use category on the majority of adjacent properties. If the maximum allowed number of multi-family dwelling units was not constructed, there are residents in at least 1,000 multi-family dwelling units in the surrounding area (The District; Woodlands; Cabana Beach) to support the nonresidential uses of the proposed PD.

The intensity of development allowed within the proposed PD is influenced by the Conservation, Open Space & Groundwater Recharge Element Policy 1.1.1 f., which requires the applicant to set-aside at least 25 percent of the subject to preserve significant plant species within the Upland Area. The Land Development Code requires that an additional 20 percent of open space be preserved. Utility easements, which also serve as open space, limit development on at least 30 percent of the subject property.

Given the above, the maximum building coverage allowed within the proposed PD shall be consistent with the amount of buildable area left on the subject property after Upland set-aside areas, utility easements, and roadway improvement areas are excluded from the total acreage. Afterwards, the applicant must apply applicable open space requirements of the Land Development Code to the buildable area.

#### 6. Usable open spaces, plazas and recreation areas

The significant plant species within the Upland set-aside areas will, possibly, be made accessible for educational and aesthetic purposes. These areas will also serve as buffers between the buildable area of the subject property and adjacent uses. Other usable open spaces, plazas and recreation areas within the proposed PD will be designed as courtyards, outdoor sitting/eating areas, walking paths, and passive recreation areas. These areas will be designed in consideration of Crime Prevention Through Environmental Design (CPTED) standards.

#### 7. Environmental constraints

The subject property is located within an Upland Area and is subject to the requirements in the Conservation, Open Space & Groundwater Recharge Element Policy 1.1.1 f. Therefore, at least 25 percent of the total acreage of the subject property must be used as set-aside areas to preserve significant plant species. The set-aside areas on the subject property will be used to preserve the Godfrey's Privet, which is considered a native plant species. These areas will also be used to preserve a remnant of the Sugarfoot Hammock, which is a diverse hardwood forest that is unusual for this area of Florida.

As a result of the above, nearly half of the subject property is not buildable. The buildable portion of the subject property requires compact development, which will lessen the impact of the proposed PD on environmentally sensitive areas.

In addition, the State of Florida has determined that the subject property does not have historical or archeological significance. The subject property is not located within the Federal Emergency management Agency (FEMA) 100-year floodplain, and it does not have wetlands.

#### 8. External transportation access

The proposed PD allows one primary driveway connection on Southwest 52<sup>nd</sup> Street, which is currently classified as a local street. A secondary driveway connection, as well as pedestrian connections, will be accommodated along the southern boundary abutting a vacant parcel with residential medium land use. No driveway access is allowed to Southwest 20<sup>th</sup> Avenue, a major arterial.

The internal transportation system of the proposed PD will connect to the adjacent rightof-ways, where transit needs will be met with nearby bus routes (Route 20 and Route 21) and bus shelters.

#### 9. Internal transportation access

The internal transportation system of the proposed PD will consist of interconnecting sidewalks and walking paths. The sidewalks and walking paths will connect to the allowable uses and open space areas of the proposed PD to make travel safe and convenient. The proposed PD will not include internal streets or transit access.

#### 10. Provision for the range of transportation choices

The proposed PD will provide a range of transportation choices consisting of walking paths, sidewalks, bike spaces, and both surface and structured vehicle parking. These facilities will be subject to the design standards within the Land Development Code, including Article IX. Additional Development Standards, Division 2. Off-street Parking and Loading Regulations, and other applicable regulations.

#### 11. Unified Control

Legacy Fountains, LLC is both the applicant and owner of the subject property. Progress Energy, which holds the easement running parallel to the northern boundary of the subject property, has not yet granted the applicant permission to use the easement. According to Section 30-217. Unified control of the Land Development Code, the City Commission shall not consider this petition until after the City Attorney has certified in writing that the applicant has submitted all requested documents needed to assure the City that the proposed PD may be lawfully completed according to the plans sought to be approved. Thus far, the City Attorney's Office has not informed staff in writing, or otherwise, that the legal requirements of this section have been met.

#### 12. Phasing

According to the accompanying PD Report, the proposed PD will not be phased.

#### 12. Development time limits

Within the accompanying PD Report, the applicant requests that the PD be effective for a period of five (5) years from the effective date of the PD ordinance. Staff has not found

this request to be in conflict with the City's concurrency management standards

#### 14. Bonds

N/A

#### 15. Landlord permits

Not applicable. The proposed PD involves a mix of uses, and it is not a single-family development.

#### 16. Affordable housing

The proposed PD will consist of up to ten (10) dwelling units (20 bedrooms), or up to two (2) dwelling units per acre. This number of units will have a de minimis effect on the availability of affordable housing within the City.

#### **Recommended conditions:**

- 1. Prior to second reading of the Planned Development Ordinance, the owner/developer shall sign a TCEA (Transportation Concurrency Exception Area) Zone B Agreement (or other transportation mitigation agreement in effect at the time) for required Concurrency Management Element Policy 1.1.6 standards (or for required transportation mitigation). Property appraisals shall be provided at the owner's/developer's expense, and are subject to approval by the City. Per Concurrency Management Element Policy 1.1.14, the owner/developer shall sign a Context Area Transit Agreement for any multi-family residential units prior to the issuance of a final development order for the development plan associated with this PD (Planned development district).
- 2. Any transportation modifications required for operational or safety purposes shall not count toward meeting Concurrency Management Element Policy 1.1.6 standards.
- 3. All sidewalk and roadway modifications along SW 52<sup>nd</sup> Street shall meet the MTPO (Metropolitan Transportation Planning Organization) design standards and be consistent with the SW 62<sup>nd</sup> Blvd. project, as approved by the MTPO. The owner/developer shall develop the subject property to accommodate the additional right-of-way, including transit lanes, which may be needed for the future SW 62nd Blvd. extension.
- 4. Sidewalk along SW 20<sup>th</sup> Avenue shall follow the guidelines provided by Alachua County Public Works concerning location and design.
- 5. Retail/commercial uses shall not be allowed in the General Office allocated square footage. Trip generation shall be shown as a note on the PD Layout Plan Map.
- 6. The owner/developer shall provide a vehicular, pedestrian, and bicycle cross access easement to the development to the south (west of SW 52<sup>nd</sup> Street along the southern property line boundary) when development at that site occurs.
- 7. The bank/financial institution use shall have a maximum of one (1) drive-through lane. The bank drive-through use shall include a by-pass lane (per Concurrency Management Element requirements). The only drive-through use allowed at the development shall be

Copies of the goals, objectives and policies of the Comprehensive Plan and sections of the Land Development Code referenced throughout this report are provided in Appendix A and B, respectively.

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for a bank/financial institution. If a bank is not developed at the site, there shall be no other drive-through facilities allowed.

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- 8. The color scheme for the development shall be consistent with the City's Advisory Color Guidelines.
- 9. At a minimum, the owner/developer shall comply with the sidewalk; building orientation; building wall articulation; mechanical equipment; and parking placement standards of the Central Corridor Special Area Plan, as adopted in the Land Development Code. In addition, the owner/developer shall be required to provide glazing on each floor level of the front, side and rear building facades. The amount of glazing provided on each floor level above the ground floor on the front building facade shall cumulatively equal a minimum of ten (10) percent of the total square footage of the entire front building facade, excluding the ground level. The amount of glazing provided on each floor level of the side and rear building facades shall cumulatively equal a minimum of ten (10) percent of the entire building facade, including the ground level. Operable doors shall not be used towards meeting the minimum glazing requirements. However, operable doors shall be used in calculating the total square footage of each building facade.
- 10. Non-emergency vehicular access shall be prohibited on SW 20<sup>th</sup> Avenue. Right-in/rightout only access shall be allowed on SW 52<sup>nd</sup> Street.
- 11. In addition to the Upland Area set-aside requirements of the Conservation, Open Space & Groundwater Recharge Element of the Comprehensive Plan, the owner/developer shall comply with the minimum open space requirements of the Land Development Code
- 12. Prior to the commencement of construction on the subject property, the owner/developer shall transplant listed plant species on the subject property in accordance with all applicable requirements, as determined by the City's Environmental Coordinator.
- 13. During all stages of construction, the owner/developer shall have an archaeologist on the subject property or on-call.
- 14. Except as expressly provided in the PD ordinance, the planned development shall be governed as if it were zoned MU-1 (Mixed use low intensity district).
- 15. The permitted uses shall be as those listed in the adopted PD Report, with the exception of neighborhood shopping center. Outdoor storage, drive-through facilities (other than a stand-alone bank with one drive-through lane), limited automotive services, fuel dealers, gasoline sales, and other uses described in Section 30-64. Mixed use low intensity district MU-1). (g) Permitted uses. of the Land Development Code) are prohibited.
- 16. Accessory uses considered customarily incidental to a permitted principal use on the subject property are limited to the uses permitted by right within the planned development. Incidental residential accessory uses shall mean storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents and their guests of the planned development.
- 17. Stormwater basins shall be designed with an irregular shape and to retain as much of the existing tree canopy as possible, subject to review and approval by the City Manager or Designee.

# 100327A

- 18. The owner/developer shall demonstrate full compliance with the level-of service standards of the Comprehensive Plan, prior to the first reading of the PD Ordinance.
- 19. The planned development is valid for a period of five years from the date of final adoption of the Planned Development Ordinance. The City Commission may grant additional extensions (up to one year) if a request for good cause is filed in writing at least 60 days prior to the expiration date. In addition, development must be commenced within five years from the date of final adoption of this Ordinance. The City Commission may grant an extension if a request demonstrating good cause is filed in writing with the Department of Planning and Development Services. The City Commission shall be the sole arbiter of good cause and its decision shall be final. The development order approved by this Ordinance shall expire and be deemed null and void if development is not commenced within the five year period, unless an extension is granted by the City Commission. After development activity intended to satisfy the five-year valid period of the planned development has commenced, the developer shall in good faith pursue completion of the remainder of the development. If no development activity occurs for a continuous period of three years, this Ordinance shall expire and become null and void. If any time period expires with no extension being requested or granted and this Ordinance is void, then the City may adopt other appropriate zoning consistent with the Comprehensive Plan. For the purposes of this condition, commencement of development shall mean the construction of a minimum of 25,000 square feet of building area (not including accessory structured parking) within the development.
- 20. The planned development shall comply with the signage requirements of the Land Development Code.
- 21. The development is limited to a maximum lot coverage not to exceed 40 percent of the total square acreage of the subject property, excluding land that may be deeded for right-of-way purposes. The maximum impervious coverage (buildings included), shall not exceed 52 percent of the total acreage of the subject property, excluding land that may be deeded for right-of-way purposes.
- 22. The owner/developer shall be required to submit a separate demolition/construction staging plan with development plans for the planned development.
- 23. The development is limited to a maximum building height of three (3) stories or 50 feet, whichever is greater. Building height shall be measured as interpreted in the Land Development Code.
- 24. The owner/developer shall provide written evidence to the City showing full compliance with Section 30-217 of the Land Development Code, prior to the first reading of the PD ordinance.
- 25. The development is limited to a maximum of 45,000 square feet of building area, floor area and gross floor area for non-residential use, including a maximum of 20,000 square feet for retail/commercial use; a maximum of 20,000 square feet for office use; and a maximum of 5,000 square feet for a stand-alone bank with one drive-through lane.
- 26. No one non-residential use shall consist of less than 500 square feet of building area, gross floor area or floor area, as interpreted in the Land Development Code.

- 27. No one non-residential use shall consist of more than 10,000 square feet of building area, floor area or gross floor area, as interpreted in the Land Development Code.
- 28. Each building shall consist of a vertical and/or horizontal mix of allowable uses. No building shall consist of only one use, except for a stand-alone bank building with one drive-through lane.
- 29. Chain-link fencing shall be prohibited within the planned development, except when being used as barricades for construction purposes.

Respectfully submitted,

Ralph Hilliard Planning Manager

Prepared by:

Jassey Planner

#### Table 1

#### Adjacent Existing Uses

North	Utilities, Multi-Unit Apartment Complex
South	Vacant, mostly wooded land
East	U.S. 1-75
West	Multi-Unit Apartment Complex

#### Adjacent Zoning and Land Use

	Land Use Category	Zoning Category
North	Public Facilities, Residential Medium	PF, RM
South and the second se	Residential Medium	RM
East	N/A	N/A
West	Residential Medium	RM

#### List of Appendices

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

Future Land Use Element Policy 4.1.1 Conservation, Open Space & Groundwater Recharge Element, Policy 1.1.1 f. Stormwater Management Element, Policy 1.1.1 Concurrency Management Element, Objective 1.1, Policy 1.1.5, Policy 1.1.6, Policy 1.1.14

Petition PB-09-116 PDV August 26, 2010

#### Appendix B Land Development Code

Sec. 30-217. Unified Control Sec. 30-270. Stormwater management generally; erosion and sedimentation Control; design and maintenance of facilities DIVISION 2. OFFSTREET PARKING AND LOADING REGULATIONS

#### Appendix C Supplemental Documents

Progress Energy Response Letter, dated November 17, 2009 Legacy Fountains, LLC, Planned Development Map Legacy Fountains, LLC, Planned Development Report Legacy Fountains, LLC, Legal Description Legacy Fountains, LLC, Conceptual Architectural Renderings

Appendix D Application and Neighborhood Workshop

Appendix E Technical Review Committee Comment Sheets

1	<b>ORDINANCE NO.</b> <u>100327</u>
2 3 4 5 6 7 8 9 10 11 12 13 14 15	An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "PS: Public services and operations district" to "Planned Development District"; located in the vicinity of 1420, 1424, 1428, 1432 Southwest 52 <sup>nd</sup> Street; commonly known as "Legacy Fountains, LLC" Planned Development; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.
16 17	WHEREAS, by initiation of a petition by the property owner, publication of notice
18	of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain
19	property within the City from the zoning category of "PS: Public services and operations
20	district" to the zoning category of "Planned Development District"; and
21	WHEREAS, notice was given and publication made as required by law of a public hearing
22	which was then held by the City Plan Board on August 26, 2010; and
23	WHEREAS, notice was given and publication made of a public hearing which was then
24	held by the City Commission on October 7, 2010; and
25	WHEREAS, at least ten (10) days notice has been given once by publication in a
26	newspaper of general circulation prior to the adoption public hearing notifying the public of this
27	proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
28	City Hall, in the City of Gainesville; and

-1-

1	WHEREAS, notice has also been given by mail to the owner whose property will be
2	regulated by the adoption of this Ordinance, prior to the date of the public hearing of this
3	ordinance; and
4	WHEREAS, Public Hearings were held pursuant to the published and mailed notices
5	described at which hearings the parties in interest and all others had an opportunity to be and were,
6	in fact, heard.
7	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
8	CITY OF GAINESVILLE, FLORIDA:
9	Section 1. The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
10	following described property from the zoning category of "PS: Public services and operations
11	district" to the zoning category of "Planned Development District";
12 13 14	See Exhibit "A" attached hereto and made a part hereof as if set forth in full.
15	Section 2. The City Manager or designee is authorized and directed to make the
16	necessary change in the Zoning Map Atlas to comply with this Ordinance.
17	Section 3. The Development Plan attached to this Ordinance which consists of the
18	following:
19	1. the development plan report entitled "Planned Development Report
20	Legacy Fountains, LLC", dated August 12, 2009, last revised on March 10, 2011,
21	and Planned Development Report Addendum" dated January 12, 2012, attached
22	and identified as Exhibit "B"; and

đ in

-2-

1		2. development plan maps consisting of three sheets: 1) "Existing Conditions Map"
2		last revised June 21, 2010; 2) "Existing Vegetation Map", last revised June 21, 2010; and
3		3) "PD Layout Plan" dated April 14, 2010, last revised March 29, 2011; identified as
4		Exhibit "C"; are incorporated and made a part of this Ordinance as if set forth in full.
5		The terms, conditions, and limitations of the Development Plan shall regulate the use and
6		development of the land described herein zoned to the category of Planned Development
7		District as provided in Chapter 30, Land Development Code of the City of Gainesville
8		(hereinafter referred to as "Land Development Code"). In the event of conflict between
9		the provisions of the development plan report (Exhibit "B") and the development plan
10		maps (Exhibit "C"), the provisions, regulations, and restrictions of the development plan
11		maps (Exhibit "C") shall govern and prevail.
12		Section 4. Any provision of this Ordinance to the contrary notwithstanding, the following
13	additic	onal conditions, restrictions and regulations shall apply to the development and use of the
14	land:	
15 16 17	1.	This Ordinance does not waive the requirement to obtain all required federal, state, local and special district authorizations prior to the start of any development activity.
18 19 20 21	2.	Except as expressly provided herein, the use, regulations and development of the property shall be governed as if this land were zoned "MU-1: Mixed use low intensity district", all development shall be in conformance with and regulated by the Land Development Code.
22 23 24	3.	All signage associated with this Planned Development shall be regulated by the City of Gainesville Land Development Code.
25 26 27 28 29	4.	Prior to second and final reading of this Planned Development ordinance, the owner/developer shall sign a TCEA (Transportation Concurrency Exception Area) Zone B Agreement (or other transportation mitigation agreement in effect at the time) for required Concurrency Management Element Ordinance Policy 1.1.6 standards (or for required transportation mitigation). Property appraisals for any dedication of ROW that

1 will be counted toward meeting Policy 1.1.6 standards shall be provided at the 2 owner's/developer's expense, and are subject to approval by the City. The deed for any 3 ROW dedication associated with a TCEA Agreement shall be provided to the City at the 4 time of delivery of the Agreement and shall be recorded in Alachua County Public 5 Records by the City within 10 working days of the second and final reading of this 6 Planned Development ordinance. Per Concurrency Management Element Policy 1.1.14, 7 the owner/developer shall sign a Context Area Transit Agreement for any multi-family 8 residential units prior to the issuance of a final development order for the development 9 plan associated with this PD (Planned development district). 10 11 5. Any transportation modifications required for operational or safety purposes shall not 12 count toward meeting Concurrency Management Element Policy 1.1.6 standards 13 14 6. All sidewalk and roadway modifications along SW 52nd Street shall meet the MTPO 15 (Metropolitan Transportation Planning Organization) design standards and be consistent with the SW 62<sup>nd</sup> Blvd. project, as approved by the MTPO. The owner/developer shall 16 develop the subject property to accommodate the additional right-of-way, including 17 transit lanes, which may be needed for the future SW 62<sup>nd</sup> Blvd. extension. 18 19 Sidewalk along SW 20<sup>th</sup> Avenue shall follow the guidelines provided by Alachua County 20 7. 21 Public Works concerning location and design. 22 23 8. Retail/commercial uses shall not be allowed within the maximum square footage 24 allocated to general (non-medical) office use (20,000 sq. ft.) due to the trip allocation 25 provided in the traffic study. 26 27 9. Consistent with the requirements of Concurrency Management Element Policy 1.1.4.b. 28 and as shown on the PD Layout Plan, the owner/developer, its successors and assigns, 29 shall provide a vehicular, pedestrian, and bicycle cross access easement to the development to the south (west of SW 52<sup>nd</sup> Street along the southern property line 30 31 boundary) when development at that site occurs. The location of the cross access connection shall be illustrated on any development plan associated with this PD, and the 32 33 required connection shall be shown as a stub-out until development on the southern site 34 occurs. The cross access easement shall be recorded by the owner/developer in Alachua 35 County Public Records at the time of execution and a copy provided to the City. 36 37 10. The bank/financial institution use may have a maximum of one (1) drive-through lane. 38 The bank drive-through lane shall include a by-pass lane in accordance with the 39 Concurrency Management Element requirements. The only drive-through use allowed 40 within the planned development shall be for a bank/financial institution. No other drive-41 through facilities are allowed. 42

- The color scheme for the development shall be consistent with the City's Advisory Color
   Guidelines on file in the Building Inspection Department.
- 4 12. The owner/developer shall, at a minimum, comply with the sidewalk; building 5 orientation; building wall articulation; mechanical equipment; and parking placement 6 standards of the Central Corridor Special Area Plan, as adopted in the Land Development 7 Code. In addition, the owner/developer shall be required to provide glazing on each floor 8 level of the front, side and rear building facades. The amount of glazing provided on 9 each floor level above the ground floor on the front building facade shall cumulatively 10 equal a minimum of ten (10) percent of the total square footage of the entire front 11 building façade, excluding the ground level. The amount of glazing provided on each 12 floor level of the side and rear building facades shall cumulatively equal a minimum of 13 ten (10) percent of the total square footage of the entire building facade, including the 14 ground level. Operable doors shall not be used towards meeting the minimum glazing 15 requirements. However, operable doors shall be used in calculating the total square 16 footage of each building façade. 17
- 18 13. Non-emergency vehicular access is prohibited on SW 20<sup>th</sup> Avenue. Right-in/right-out
   19 only vehicular access is allowed onto SW 52<sup>nd</sup> Street.
- In additional to the Upland Area set-aside requirements of the Conservation, Open Space
   & Groundwater Recharge Element of the Comprehensive Plan, the owner/developer shall
   comply with the minimum open space requirements of the Land Development Code.
- Prior to the commencement of construction on the subject property, the owner/developer
   shall transplant listed plant species on the subject property in accordance with all
   applicable requirements, subject to review and approval by the City's Environmental
   Coordinator.
- Buring all stages of construction, the owner/developer shall have an archaeologist on the
   subject property or available on-call.
- 33 17. The permitted uses shall be as those listed in the adopted PD Report.
- Accessory uses considered customarily incidental to a permitted principal use on the
  subject property are limited to the uses permitted by right within the planned
  development. Incidental residential accessory uses shall mean storage rooms,
  management offices, club or game rooms, and recreational and laundry facilities intended
  for use solely by the residents and their guests of the planned development. All other
  accessory uses are prohibited.
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19. Stormwater basins shall be designed with an irregular shape so as to retain as much of the existing tree canopy as possible, subject to review and approval by either the City Manager or Designee or the appropriate reviewing board, as appropriate.

5 20. The planned development approved by this ordinance is valid for a period of five years 6 from the date of final adoption of this Ordinance. The City Commission may grant 7 additional extensions (up to one year), provided a written request, expressing the need 8 and showing good cause, is filed in writing with the Clerk of the Commission at least 60 9 days prior to the expiration date. The City Commission shall be the sole arbiter of need and good cause and its decision shall be final. The development order approval by this 10 11 Ordinance shall expire and be deemed null and void if the development is not 12 commenced within the five year period unless an extension is granted by the City Commission. After development activity intended to satisfy the five-year valid period of 13 14 the planned development has commenced, the developer shall in good faith diligently 15 pursue completion of the remainder of the development. In the event a building permit is 16 issued but the development or portion of the development fails to proceed to completion with due diligence and in good faith resulting in the expiration of a building permit or 17 other development order, then this development order shall expire and be deemed null 18 19 and void. If any time period expires with no extension being requested or granted, then 20 the City will initiate a petition to designate other appropriate zoning consistent with the Comprehensive Plan. For the purposes of this condition, commencement of development 21 shall mean the construction of a minimum of 25,000 square feet of building area (not 22 23 including accessory structured parking) within the development. 24

- The development is limited to a maximum lot coverage not to exceed 40 percent of the
   total square acreage of the subject property, excluding land that may be deeded for right of-way purposes. The maximum impervious coverage (buildings included), shall not
   exceed 52 percent of the total acreage of the subject property, excluding land that may be
   deeded for right-of-way purposes.
- 31 22. The owner/developer shall be required to submit a separate demolition/construction
  32 staging plan with development plans for the planned development.
- The development is limited to a maximum building height of three (3) stories or 50 feet ,
  whichever is greater. Building height shall be measured as provided in the Land
  Development Code.
- The development is limited to a maximum of 45,000 square feet of building area, floor
  area and gross floor area for non-residential use, that is comprised of the following: a
  maximum of 20,000 square feet for retail/commercial use; a maximum of 20,000 square
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1 2 3		feet for office use; and a maximum of 5,000 square feet for a stand-alone bank with one drive- through lane.	
4 5 6	25.	No one non-residential use shall consist of less than 500 square feet of building area, gross floor area or floor area, as these terms are used in the Land Development Code.	
7 8 0	26.	No one non-residential use shall consist of more than 10,000 square feet of building area, floor area or gross floor area, as these terms are used in the Land Development Code.	
9 10 11 12	27.	Each building shall consist of a vertical and/or horizontal mix of allowable uses. No building shall consist of only one use, except for a stand-alone bank building with one drive-through lane.	
12 13 14 15	28.	Chain-link fencing shall be prohibited within the planned development, color coated chain-link fencing may be used for security purposes around the perimeter of Zone B. Existing chain-link fencing along the boundary of the property on SW 20 <sup>th</sup> Avenue and I-75 may remain.	
16 17 18 19	29.	The City Manager or designee may allow stormwater conveyance infrastructure within Zone C, in a location that is determined by the City to have the least impact on the upland conservation area of Zone C.	
20 21		Section 5. Any person who violates any of the provisions of this ordinance shall be deemed guilty	
22	of a mu	inicipal ordinance violation, and shall be subject to fine or imprisonment as provided by section 1-9	
23	of the Gainesville Code of Ordinances. Each day a violation occurs or continues, regardless of whether		
24	such violation is ultimately abated or corrected, shall constitute a separate offense.		
25		Section 6. If it is determined by the City Manager that a violation of this Ordinance exists, the City	
26	Manager may issue and deliver an order to cease and desist from such violation to correct the violation, to		
27	preclude occupancy of the affected building or area, or to vacate the premises. The City Manager, through		
28	the City Attorney, may seek an injunction in a court of competent jurisdiction and seek any other remedy		
29	availab	le at law.	
30		Section 7. If any word, phrase, clause, paragraph, section or provision of this ordinance	
31	or the application hereof to any person or circumstance is held invalid or unconstitutional, such		
32	finding shall not affect the other provisions or applications of the ordinance which can be given		

1	effect without the invalid or unconstitutional provisions or application, and to this end the		
2	provisions of this ordinance are declared severable.		
3	Section 8. All ordinances, or parts of ordinances, in conflict herewith are to the extent of		
4	such conflict hereby repealed.		
5	Section 9. This ordinance shall become effective immediately upon final adoption.		
6	. <b>PASSED AND ADOPTED</b> this 16th day of February, 2012.		
7 8 9 10 11 12 13 14 15	ATTEST: ATTEST: APPROVED AS TO FORM AND LEGALITY:		
16 17 18 19 20	Kurt Lannon, Marion J. Radson, City Attorney Clerk of the Commission FEB 1 6 2012		
20 21 22	This ordinance passed on first reading this 5th day of May, 2011.		

23 This ordinance passed on second reading this 16th day of February, 2012.

### 100327

# LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 3 IN SAID SECTION 10 AND RUN NORTH 00 DEG. 31 MIN. 21 SEC. WEST, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 319.31 FEET, THENCE RUN NORTH 89 DEG. 33 MIN. 49 SEC. EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTRY ROAD SW 30, A DISTANCE OF 1363.26 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 AND THE POINT OF BEGINNING; THENCE RUN EAST ALONG THE SAID SOUTH RIGHT OF WAY LINE WITH THE FOLLOWING COURSES AND DISTANCES: NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 261.72 FEET NORTH 00 DEG. 26 MIN. 11 SEC. WEST 15.00 FEET; NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 450.00 FEET; NORTH 00 DEG. 26 MIN. 11 SEC. WEST, 15.00 FEET; NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 450.00 FEET; NORTH 00 DEG. 26 MIN. 11 SEC. WEST, 11 SEC. EAST, 250.00 FEET; THENCE RUN SOUTH 89 DEG. 33 MIN. 49 SEC. WEST, 575.00 FEET; THENCE SOUTH 55 DEG. 11 MIN. 21 SEC. WEST, 188.22 FEET TO THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, WITH A CURVE CONCAVE SOUTHWESTERLY, SAID CURVE HAVING A CENTRAL ANGLE OF 00 DEG. 58 MIN. 55 SEC. A RADIUS OF 23,068.32 FEET, A LENGTH OF 403.85 FEET AND A CHORD OF NORTH 35 DEG. 18 MIN. 44 SEC. WEST, 403.84 FEET TO THE POINT OF BEGINNING.

#### LESS THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3350, PAGE 861 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND ADJACENT LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 3 IN SAID SECTION 10 AND RUN NORTH 00°31'21" WEST, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 319.31 FEET, THENCE NORTH 89°33'49" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD SW 30, A DISTANCE OF 1363.26 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (300 FOOT WIDE RIGHT OF WAY); THENCE CONTINUE NORTH 89°33'49" EAST, ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3350, PAGE 861, A DISTANCE OF 261.72 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°26'11" WEST, A DISTANCE OF 15.00 FEET TO THE NORTH LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3350, PAGE 861; THENCE NORTH 89°33'49" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°26'11" WEST, PARALLEL WITH THE EAST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3350, PAGE 861, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°33'49" EAST, PARALLEL WITH AND 10.00 FEET NORTH OF SAID NORTH LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°26'11" EAST, ALONG THE AFOREMENTIONED EAST LINE OF SAID LANDS, A DISTANCE OF 50.00 FEET; THENCE NORTH 45°26'11" WEST A DISTANCE OF 35.36 FEET; THENCE SOUTH 00°26'11" WEST, PARALLEL WITH AND 15.00 FEET SOUTH OF THE AFOREMENTIONED NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3350, PAGE 861, A DISTANCE OF 674.52 FEET TO THE POINT OF BEGINNING, CONTAINING 13,300 SQUARE FEET MORE OF LESS.

TOGETHER WITH ALL RIGHTS IN THAT EASEMENT RECORDED IN O.R. BOOK 1578, PAGE 2868, DESCRIBED AS A NON-EXCLUSIVE, PERPETUAL EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS OVER AND UPON ALL OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE S.W. CORNER OF LOT 3 IN SAID SECTION 10 AND RUN NORTH 00 DEG. 31 MIN. 21 SEC. WEST, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 319.31 FEET; THENCE RUN NORTH 89 DEG. 33 MIN. 49 SEC. EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD N.W. 30, A DISTANCE OF 1363.26 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE RUN EAST ALONG THE SAID SOUTH RIGHT OF WAY LINE WITH THE FOLLOWING COURSES AND DISTANCES: NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 261.72 FEET; NORTH 00 DEG. 26 MIN. 11 SEC. WEST, 15.00 FEET; NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 450.00 FEET; NORTH 00 DEG. 26 MIN. 11 SEC. WEST, 10.00 FEET; NORTH 89 DEG. 33 MIN. 49 SEC. EAST 249.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEG. 33 MIN. 49 SEC. EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 65.00 FEET; THENCE RUN SOUTH 00 DEG. 26 MIN. 11 SEC. EAST, A DISTANCE OF 120.00 FEET; THENCE RUN SOUTH 89 DEG. 33 MIN. 49 SEC. WEST, A DISTANCE OF 65.00 FEET; THENCE RUN NORTH 00 DEG. 26 MIN. 11 SEC. WEST, A DISTANCE OF 120.00 FEET; THENCE RUN SOUTH 120.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"



## PLANNED DEVELOPMENT REPORT

Legacy Fountains, LLC

Property Owner(s): Legacy Fountains, LLC 1223 NW 114<sup>th</sup> Avenue Gainesville, Florida 32606

Prepared By: Causseaux, Hewett, & Walpole, Inc. 6011 NW 1<sup>st</sup> Place Gainesville, Florida 32607 (352) 331-1976

Date:

August 12, 2009 Revised April 14, 2010 Revised May 12, 2010 Revised June 22, 2010 Revised July 14, 2010 Revised November 16, 2010 Revised January 13, 2011 Revised January 24, 2011 Revised March 10, 2011 Revised December 22, 2011

Submitted in accordance with City of Gainesville Land Development Code (LDC) Sections 30-211, 213, 214, 216, 217, and 221.

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# EXHIBIT "B"

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30-214(3)(c)(2)(iv)	Design Standards	5
30-214(3)(c)(2)(v)	Development Schedule	7
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30-213	Minimum Criteria for Planned Development (PD)	10
30-216	Requirements & Evaluation of Planned Development	11
30-217	Unified Control	16

#### Exhibits

Exhibit 'A' Legal Description for the Planned Development	Α-	1
Exhibit 'B' PD Layout Plan	В —	1
Exhibit 'C' Conceptual Architectural Renderings	С —	1

#### LEGACY FOUNTAINS, LLC PLANNED DEVELOPMENT (PD) REPORT Submitted in accordance with the requirements of City of Gainesville, Land Development Code (LDC) Sections 30-211, 213, 214, 216, 217, and 221

#### Section 30-214(3)(c)(2)(i) Purpose and Intent

The proposed PD rezoning is on a  $\pm 5.07$  acre parcel located in Section 10, Township 10 South, Range 19 East, Gainesville, Florida. The site is in an existing urbanized area, characterized by multi-family residential development along the Southwest  $20^{\text{th}}$  Avenue and Southwest  $62^{\text{nd}}$  Boulevard/Southwest  $52^{\text{nd}}$  Street corridors.

The site is restricted by existing utility easements along the northern and western boundaries. In addition, the City of Gainesville has defined this area as being within the Uplands area requiring preservation of at least 25% of the site. Given the regulatory and utility restrictions, the property is an appropriate candidate for the PD zoning district. In addition, the site is located within an area developed primarily as multi-family and student housing. This higher density area is uniquely suited for appropriate supportive neighborhood-scaled commercial. However, the existing land use and zoning districts cannot control the uses and intensity as would be appropriate for the area. The proposed-mixed use development will provide a vertically and/or horizontally mixedproduct with exception to the bank use.

The proposed PD district is being requested for the following:

- 1. Construct appropriately scaled mixed-use development proximate to thousands of students, faculty, and City of Gainesville citizens,
- 2. Protect on-site Upland areas while providing adequate urban amenities to serve the resident population and surrounding employment base,
- 3. Accommodate existing utility infrastructure and provide necessary right-ofway for future planned roadway infrastructure expansion,
- 4. Accommodate for steep topography that currently exists on the property, and
- 5. Retain the option for urban residential dwellings above ground floor retail/ office when needed, based on population and when demand suits the area.

The PD will provide for a mix of residential and nonresidential uses which are largely consistent with the City of Gainesville's existing MU-1 zoning category. Specific differences are described throughout the PD report. Therefore the project is regulated as if zoned MU-1, except as may be expressed in the adopted PD ordinance. Specific permitted uses are described below:

SIC	Uses	Conditions
	USES BY RIGHT:	
-	Any accessory uses customary and clearly incidental to any permitted principal use including structured parking.	-
-	Compound uses	-
-	Cultural, Civic or Service	These uses shall be defined and derived from the MU-1 zoning district as facilities serving a community function, as allowed by the PD and PUD, including but not limited to public administration, performing arts, community centers, educational services, social services; day cares (in accordance with Article VI of the LDC), membership organizations, museums and art galleries, places of religious assembly (in accordance with Article VI of the LDC), etc.
50	Eating places	-
	Outdoor Cafes	As defined in Article II and in accordance with Article VI.
-	Multi-family dwellings	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of Section 30-64, and the requirements of Section 30-56.
-	Neighborhood Convenience Center	
-	Passive Recreation	Allowed in Zone C of the PD. Passive Recreational activities are those which involve mere observation or only low Impact activities to derive relaxation or pleasure, such as walking /hiking, bird watching, etc.
MG-53	General merchandise stores	-
MG-54	Food Stores	-
MG-56	Apparel and accessory stores	_
MG-59	Miscellaneous retail	Excluding direct selling establishments (IN- 5963); and fuel dealers: including liquor stores (IN-5921) limited to 2,000 square feet
MG-72	Personal Services	Excluding funeral services and crematories (IN 7261); laundry, cleaning, and garment services (GN 721), except IN-7215 (No Commercial Dry Cleaners) AND allowing satellite pick-up and drop-off garment service and diaper services
MG-73	Business Services	Excluding outdoor advertising services (IN-

		7312); services to dwellings and other buildings (GN 734); heavy construction equipment rental and leasing (IN-7353); and equipment rental and leasing, not
		elsewhere classified (IN-7359)
MG-87	Engineering, accounting, research	Excluding testing laboratories (IN-8734)
	management and related services	and facilities support management services
		(IN-8744)
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and
		developers (IN-6553)
Note: Anything to the contrary notwithstanding, the following uses are prohibited: outdoor		
storage; drive-through facilities (other than a stand-alone bank with one (1) drive through lane):		
limited automotive services; fuel dealers; gasoline sales; and the uses identified as "Other Uses		
(including light assembly or packaging)" in Section 30-64. Mixed-Use Low Intensity District (MIL-		
1). (g) Permi	tted Uses. of the Land Development Cod	de.
A CONTRACTOR OF A CONTRACTOR O		

This PD will permit Multi-family Residential, Office, Commercial/Retail space, and a Bank as is appropriate and unique to the context area consisting of multi-family residential. Commercial uses such as sit-down restaurants, retail services, postal and copy centers, and banking are being targeted, while office uses such as insurance, law, or accountants are also permitted. These targeted uses will provide essential services proximate to a very large student population. It should be noted the owner / developer may exchange the 5,000 sq. ft. of bank use with one drive-through lane for one of the following uses, subject to development plan approval:

- 1. Either general (non-medical) office use with a maximum of 2,500 sq. ft. of gross floor area (GFA), or
- 2. Retail / commercial use that is not an eating place with a maximum of 1,750 sq. ft. GFA

Given that, today, the area is highly dependent on vehicular mobility via cars or transit, an appropriate quantity of nonresidential will meet the existing needs. On a limited basis, locations of these needs are advantageous. Then, this goal decreases dependence on fossil fuel, leads to a reduction in traffic congestion, and provides pedestrian and bicycle friendly options.

#### Section 30-214(3)(c)(2)(ii) Statistical Information

#### Description

Site Acreage Maximum lot coverage Maximum impervious ground coverage (buildings included) Maximum number of dwelling units Minimum number of dwelling units Building Height PD Total Area

(maximum, unless otherwise noted) ±5.07

40%

52% (Unless otherwise prohibited by the adopted Land Use and PD Rezoning) 10 dwelling units, Maximum 2 bedrooms / unit 0 dwelling units Maximum: 50' or 3 stories, whichever is greater Minimum: Property shall consist of not less than 2 detached buildings that are at least 2 stories in height. A stand alone bank may be one-story in height. Retail/Commercial – 20,000 ft<sup>2</sup> Office – 20,000 ft<sup>2</sup>

A listing of nonresidential land uses by type and size to be allowed (Building Area, Floor Area, Gross Floor Area)

Stand-alone bank w/ one drive-thru lane per PD and PUD – 5,000 ft<sup>2</sup>

#### The acreage of each use area

Zone A (Development Area) Zone B (Stormwater Management / Open Space) Zone C (Upland Area / Stormwater Conveyance Infrastructure) Zone D (Buffer / Landscaping / Vehicle Crossing Per Adopted PD)

±52% (±2.64 Acres) ±20% (±1.01 Acres) minimum ±25% (±1.27 Acres) minimum

±3% (±0.15 Acres) minimum

0%

#### The area of land devoted to publically owned:

Usable Open Space, Recreational Areas, or Plazas

The proposed development will have as few as two (2) buildings or as many as four (4) buildings with potential covered or conditioning connections between buildings. Covered or conditioned connections shall not cause multiple buildings to be labeled as one (1) singular structure. The Building Area, Floor Area, Gross Floor Area for the proposed development is 45,000 square feet. The maximum Building Area, Floor Area, Gross Floor Area square footage allowed for a single use is 10,000 square feet. Buildings shall not exceed 12,000 square feet per Ground Floor Building Area, Floor Area, Gross Floor Area. Ground Floor Building Area, Floor Area, Gross Floor Area designed for tenants' exclusive use on the ground floor or street level. Gross Leasable Area does not include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, either open or enclosed.

#### Section 30-214(3)(c)(2)(iii) Stormwater Management Plan

The project site lies within the Hogtown Creek watershed. The project development includes on-site Stormwater Management Facilities (SMFs) to provide water quantity treatment and rate/volume attenuation for the 100-year design storm event. All SMF

facilities will be privately owned and maintained and all SMF facilities will employ best management practices. All stormwater basins shall be designed with an irregular shape so as to retain as much of the existing tree canopy as possible, subject to review and approval by the City Manager or Designee or the appropriate reviewing board, as appropriate.

#### Section 30-214(3)(c)(2)(iv) Design Standards

#### Building Design and Orientation

Consistent with the City of Gainesville's Comprehensive Plan, the Legacy Fountains PD will focus development internally, while providing connection to adjacent external development. Façades are designed to complement both internal and external views. In addition, buildings with multiple façades will support the principals of Crime Prevention Through Environmental Design (CPTED) by putting eyes on the street. External building façades will be designed to present pleasant and distinctive design elements for passers-by.

Façades will present a unified architectural style that invites residents and neighbors into the site and enhances the existing street-design elements. A unified architectural style for all building façades will be required so that multiple buildings contain a consistent building style, complementary colors, window design, and building materials. The façades will present a pleasing appearance not only to the internal portions of the site, but also to external passers-by. Design requirements shall, at a minimum, comply with the sidewalk; building orientation; building wall articulation; mechanical equipment; and parking placement standards of the Central Corridor Special Area Plan, as adopted in the Land Development Code. The amount of glazing provided on each floor level above the ground floor on the front building façade shall cumulatively equal a minimum of ten (10) percent of the total square footage of the entire front building facade, excluding the ground level. The amount of glazing provided on each floor level of the side and rear building facades shall cumulatively equal a minimum of ten (10) percent of the entire building façade, including the ground level. Operable doors shall not be used towards meeting the minimum glazing requirements. However, operable doors shall be used in calculating the total square footage of each building façade. Additionally, dimensional requirements shall be as per the City of Gainesville's Land Development Code, Section 30-64 and also allow a maximum building height of 3 stories or 50 feet, whichever is greater.

Design Elements	Specification
Balconies	Metal railings with both covered and open air areas allowed
Roofs	Gabled roofs at typical pitch with surrounding areas
Parapets	Allowed, if flat roof or screening of mechanical equipment
Fences/walls	Wood or metal; chain-link fencing shall be prohibited within the
	planned development, except when being used as barricades for
	construction purposes.
Siding	Wood, cementitious siding, or stucco materials in any combination
Dumpster Enclosure	Brick, block, or other weather resistant, opaque material

#### Sidewalks

Sidewalks will be located along major roadway corridors (SW 20<sup>th</sup> Avenue & SW 52<sup>nd</sup> Street) external to the development if not already established. Sidewalks may also be incorporated into the external portion of the development, rather than along major roadway corridors. An internal network of sidewalks will be established connecting the proposed buildings and use areas. Connections between the internal and external pedestrian network will ensure efficient movement around and internal to the development. All sidewalk modifications along SW 52<sup>nd</sup> Street shall meet the MTPO design standards and be consistent with the SW 62<sup>nd</sup> Blvd. project as approved by the MTPO. Sidewalks along SW 20<sup>th</sup> Avenue shall follow the guidelines provided by Alachua County Public Works concerning location and design. *Landscaping* 

Landscape improvements shall be per the City of Gainesville's LDC, Division 2, Subdivision I. Streetscaping will be provided to enhance the pedestrian connection to development including sidewalk connections, internal circulation, and landscaping along public roadway frontage.

#### Vehicle Use Areas

On-site driveways, parking facilities, general vehicle use areas, and pedestrian facilities will be designed to comply with the standards defined in the City of Gainesville's LDC. The number of required parking spaces may be reduced at development plan review in accordance with provisions established in the Land Development Code. Landscaping of vehicular use areas will be consistent with Section 30-252 of the LDC. Vehicle loading and service facilities will be designed to provide adequate maneuvering areas internal to the site, rather than using public streets and rights-of-ways. Coordination with City of Gainesville's Solid Waste Division will ensure appropriate placement of the solid waste collection facility.

On-site parking will be provided to ensure that safe and efficient circulation is available. Parking areas will be designed consistent with Section 30-330 of the LDC. The number of parking spaces provided will be based upon the table of uses in Section 30-332, but may be decreased in accordance with provisions established in the Land Development Code. Bicycle and motorcycle parking will be included in the PD's design and will be accommodated by onsite designated parking. Bicycle and motorcycle parking spaces may be located within Zone A as depicted on the PD Layout Plan.

#### Energy Conservation

Buildings shall be designed to promote energy efficiency standards, xeroscaping, and other landscaping elements to create a more inviting space and reduce energy consumption by providing breezeways and pocket parks, etc. Building design shall include

energy saving elements such as awnings, energy star mechanical equipment, and architecture that can allow for natural light into interior building areas.

#### Section 30-214(3)(c) (2)(v) Development Schedule

The proposed development will not consist of phasing. Due to the current market conditions, and various funding mechanisms available at this time, the developer is requesting that the PD be effective for a length of up to five (5) years from the effective date of the Zoning Ordinance. The following table lists the proposed uses and their intensities.

Use	Intensity
	(Building Area, Floor Area, Gross Floor Area)
Office	20,000 ft <sup>2</sup>
Retail/Commercial	20,000 ft <sup>2</sup>
Stand-Alone Bank (w/ 1 drive thru)	5,000 ft <sup>2</sup>
Residential (Optional)	10 units / 20 bedrooms

#### Section 30-214(3)(c)(2)(vi) Signage Plan

The project shall conform to the sign regulations stipulated in the City of Gainesville's LDC for the construction of all site signs.

#### Section 30-214(3)(c)(2)(vii) Enumeration of Differences

The PD will provide for a mix of residential and nonresidential uses which are largely consistent with the City of Gainesville's existing MU-1 zoning category. Specific permitted uses are described in the table on page 2.

#### Section 30-211(b)(1-7) PD Objectives

(1) Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses. The PD is comprised of up to 4 structures. The site's significant required setbacks and upland set aside limit the uses to the property's central core. The PD is comprised of a mix of commercial/retail, office, and residential uses that will exist harmoniously both internal to the site and externally to the context area. The provision of neighborhood-scale commercial/retail, office, and residential uses will function in conjunction with an existing populated community.

The site will provide multi-modal access utilizing internal sidewalks that will connect buildings, if separated, and uses within buildings. In addition, connection to external pedestrian and bicycle circulation networks will allow residents of neighboring developments to take advantage of the commercial, office, and retail uses and opportunities provided within this PD.

Parking facilities will be provided for residents and guests within the site. The majority of parking facilities will be located along the southern boundary or potentially within structures. In accord with the City of Gainesville's CCSAP, minimal parking will be located along the northern boundary.

Sidewalks are provided along Southwest 52<sup>nd</sup> Street and internally to provide convenient access to and from the site, as well as within the site. The site is located along Bus Routes 20 & 21, which allow for easy access to transit riders. Persons with special needs, such as the elderly and physically-challenged, can also easily access the site and utilize the site's offerings without imposition.

(2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences;

The requested change will provide the property owners flexibility to meet changing market and consumer needs by allowing the site to be utilized by a variety of uses, including commercial/retail, office, and residential. The uses will remain within a tightly controlled area based on the PD Layout Map. The proposed permitted uses are intended to serve the existing and future residents in the area by providing social and work-related supporting uses within a short walking distance.

(3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.

The project site is within the City's Upland Area as defined by the City of Gainesville Comprehensive Plan. Therefore, at least 25% of the site will be preserved as Upland Area and some will be incorporated into the site's landscape features. This will be similar to other developments in the area and provides a harmonious development pattern. The intent is to leave the Upland Area natural and untouched. Only management of the area for invasive species, replanting of listed species, and passive recreation will be permitted. In addition, the Cabana Beach Apartment complex, the District on 62<sup>nd</sup>, and the Woodlands of Gainesville all consist of 2-3 story structures.

The proposed development is appropriate for the area, consisting of structures up to 3 stories or 50', whichever is greater.

(4) Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.

The project site is located proximate to existing urban amenities such as public utilities, roadways, transit routes, bike lanes, and sidewalks. Development within areas adjacent to public facilities promotes an efficient and compact development pattern providing greater cost saving and long-term sustainability of shared infrastructure facilities.

Furthermore, the development is designed to support the abundant residential units adjacent to the property, allowing for coordination among land uses and filling in one of the few remaining vacant lots in the area.

(5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.

The project offers innovative design through providing vertical mixed use structures that is currently lacking in this portion of the City. This will serve as a model for future area development. Currently, the intersection of SW 20<sup>th</sup> Avenue and SW 62<sup>nd</sup> Blvd/SW 52<sup>nd</sup> Street has multi-family residential housing on three of the intersections four corners. With exception to a 2 acre corner lot the Woodlands development completed development of the adjacent quadrants. Therefore, the development of the Legacy property will provide infill development completing the four corners.

Promotion of flexible standards and a variety of uses supports and strengthens the ability to meet changing market trends, market demand, and local tastes. The requested PD promotes a viable mixed-use community, which promotes an atmosphere of utilizing alternative modes of transportation such as bicycle and mass transit. In addition, the development proposes establishing an internal connection point along the southern development boundary. This promotes connectivity and eliminates potential negative impacts of the site being developed without connectivity to other parcels.

# (6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.

The development's proposed architecture provides variable articulated building heights and façades consistent with the images provided in Appendix C – 1. The proposed facility provides on-site parking and internal circulation for pedestrians, vehicles, and bicycles. Although limited by the regulatory and on-site utility constraints, the site preserves the corridors aesthetic by coordinating architectural scale with surrounding development and shielding vehicular use areas from the adjacent roadway's view shed. (7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.

The facility's mixed-use nature is pedestrian in scale and provides appropriate scaled elements such as lighting, urban plazas and breezeways, and civic/community gathering area. The CCSAP limits the number of parking spaces allowed in front of buildings to a double-loaded row. Therefore, vehicular use areas will be located around the facility, with the majority of the parking located at the rear of the building or potentially included within some of the structures. Vegetation and/or screening walls, where practicable, create a secluded atmosphere and attractive vistas both inside and outside the site. Historically, parking, circulation, and landscaping have been permitted uses within easements areas.

#### Section 30-213 Minimum Criteria for Planned Development (PD)

An application for a PD rezoning must present evidence that justifies the rezoning. The Justification is as follows:

(1) Unique and promoted by comprehensive plan. The proposed development is unique. Although it does not fit within an existing zoning district, it is consistent with the city comprehensive plan, except it may require a land use change. Other options available under the existing zoning district(s) in the City of Gainesville's LDC would not allow the use and associated design elements of the proposed project.

Currently, no zoning district within the LDC allows for all the proposed uses while respecting the transitioning area and respecting environmental features. The proposed PD is unique due to the following:

- a. Construct appropriately scaled mixed-use development proximate to thousands of students, faculty, and City of Gainesville citizens,
- b. Protect on-site Significant Uplands while providing adequate urban communities to serve the resident population and surrounding employment base,
- c. Accommodate existing utility infrastructure and provide necessary right-ofway for future planned roadway infrastructure expansion,
- d. Accommodate for steep topography that currently exists on the property, and
- e. Retain the option for urban residential dwellings above ground floor retail/ office when needed based on population and demand suits the area.
- (2) Size, scale, complexity and design. The proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PD process.

The location of the site and existing utility easements make the layout and design of buildings difficult to manage under the intended uses desired. The applicant has demonstrated a need for the uses that have been requested. The site is adjacent to a large concentration of multi-family/student housing. However, commercial/retail on a neighborhood scale and office space is lacking to support area residents. Furthermore, the applicant feels that the desired uses can be accomplished under unique design circumstances.

(3) Specialized compatibility and design characteristics. The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies.

Significant uplands and utility easements restrict the design ability of this site. The allowed maximum height of proposed buildings will enhance the usefulness of the site and reflect surrounding building heights. Additionally, findings within the ecological inventory will be addressed, and a significant portion of land (at least 25%) will be dedicated to a preserved Upland Area.

#### Section 30-216 Requirements & Evaluation of Planned Development

#### Conformance with PD Objectives

Consistency with the objective set forth in the City of Gainesville Land Development Regulations Section 30-211(b) has been demonstrated throughout this report. The City of Gainesville Future Land Use Map lists the project site as a Recreation (REC) land use category. As part of a concurrently submitted application, the developer is requesting a Planned Use District (PUD) land use category. The City of Gainesville Comprehensive Plan allows PUDs to contain residential and nonresidential uses and/or unique design features, which might otherwise not be allowed in the underlying land use category.

Given the site location and previous nonresidential land use category, it is appropriate for the PUD district to allow for a mixture of uses as implemented by a site specific Planned Development (PD) zoning.

#### Concurrency

The development shall comply with all adopted LOS standards in the Comprehensive Plan and all Concurrency Management Element Policy 1.1.4 and 1.1.6 standards.

This development is located within Transportation Concurrency Exception Area (TCEA) Zone 'B'. A preliminary concurrency certification application has been submitted along with the proposed PD Application. Prior to the second and final reading of the Planned Development ordinance, the owner/developer shall sign a TCEA Zone B Agreement (or other transportation mitigation agreement in effect at the time) for required Concurrency Management Element Ordinance Policy 1.1.6 standards (or for required transportation mitigation). Property appraisals for any dedication of ROW that will be counted toward meeting Policy 1.1.6 standards shall be provided at the owner's / developer's expense, and are subject to approval by the City. The deed for any ROW dedication associated with a TCEA Agreement shall be provided to the City at the time of delivery of the Agreement and shall be recorded in Alachua County Public Records by the City within 10 working days of the second and final reading of the Planned Development ordinance. Per Concurrency Management Element Policy 1.1.14, the owner / developer shall sign a Context Area Transit Agreement for any multi-family residential units prior to the issuance of a final development order for the development plan associated with this PD (Planned Development District)



#### Internal Compatibility

The PD is comprised of up to 4 structures. The site's significant required setbacks and upland set aside limit the uses to the property's central core. Parking facilities will be provided for residents and guest within the site. The majority of parking facilities will be located along the southern boundary or potentially within structures. In accord with the City of Gainesville's CCSAP, minimal parking will be located along the northern boundary.

The PD is comprised of a mix of residential, commercial, office, and retail uses that will exist harmoniously both internal to the site and externally to the context area. The provision of neighborhood-scale commercial, office, and retail uses will function in conjunction with an existing populated community. The site will provide multi-modal access utilizing internal sidewalks that will connect buildings, if separated, and uses within buildings. In addition, connection to external pedestrian and bicycle circulation networks will allow residents of neighboring developments to take advantage of the commercial, office, and retail uses and opportunities provided within this PD.

The compact development form promoted on the northern portion of the site will serve to protect those portions that contain upland environmental features. These natural features will serve as a source of contemplative relaxation and passive recreation for the areas residents and guests. Further, appropriate construction management practices will be employed to ensure that the set-aside portions of the site are not negatively impacted during on-site construction activities. Other on-site improved and landscaped open spaces shall be provided to allow for passive recreational opportunities.

#### External Compatibility

Properties surrounding the site currently exist in the RMF-6 zoning districts. To the east of the site is Cabana Beach Apartments (500 beds), while to the north is The District at 62<sup>nd</sup> Apartments (995 beds). In addition, northeast of the site, the Woodland development consists of 728 beds. The PD proposes up to 10 dwelling units (20 bedrooms) for the site with façades designed to create an urban character, matching the context of the surrounding development. The overall residential density will complement the context area given the permitted nonresidential uses. The PD brings a live, work, and recreate environment to the SW 20<sup>th</sup> Avenue corridor context area, while preserving and enhancing the existing neighborhood by providing neighborhood-scaled residential, commercial/retail, and office uses.



Direction

North East South West **Future Land Use** Residential / Public Facilities Residential Medium Residential Medium Residential Medium Property Use

GRU / Apartments Apartments I-75 ROW

To the greatest extent practicable, the PD's SMFs, driveways, common space, and utility locations will be designed to utilize and preserve the site's existing and outstanding landscape features. Where possible, the site's landscape features shall be incorporated as aesthetic elements, both internally and externally, from the site for passive recreation and for buffering purposes. The project's proposed overall minimum density is 0 du/ac with a maximum density of 2 du/ac. The PD overlay, will allow the overall density in a manner that is consistent and complimentary to both the surrounding context area and the character of the site.

The development will meet the City of Gainesville, Code of Ordinances, Chapter 15 for the purposes of lighting. Placement of luminaries will not be known until development plan review. Noise impacts from I-75 will be generally attenuated by the existing uplands and/or common area vegetation that is located between the building area and I-75. Additional noise attenuation can *only* be accommodated through building design,

construction materials, and techniques. Therefore, signed and sealed documentation is most appropriate at time of development plan review.

#### Intensity of Development

As previously shown, the maximum lot coverage is limited to 40% of the site acreage. The site's intensity, architectural character, and open space reservations are consistent and compatible with the site's physical and environmental characteristics and that of the surrounding properties.

#### Usable Open Spaces

On-site open space outside the upland set-aside area, although adequate for the residents and guests, is limited due to the compact design form. SMFs shall include pedestrian paths. Usable open spaces will consist of a minimum of 1.01 ac. or 20% of the site. Interior space will provide urban-type landscape amenities and moderate shade tree coverage, with large setbacks provided along I-75 and Southwest 20<sup>th</sup> Avenue. Those portions of the developed area that are along Southwest 20<sup>th</sup> Avenue and Southwest 52<sup>nd</sup> Street will be designed to blend with the surrounding context area using typical urban-type streetscaping elements.

#### Environmental Constraints

There are no environmental constraints other than the previously discussed Upland Area and listed species. At least  $\pm 1.27$  acres (25%) of the property will be protected in Upland Area set-aside. Furthermore, an ecological inventory of the subject property has been prepared and submitted to staff for review. Four (4) four-foot (4') tall Godfrey's Privet plants have been identified onsite. Two (2) will require relocation into the preserved Upland Area.

#### External Transportation Access

Vehicular access to the site will be allowed by a right-in/right-out point on Southwest 52<sup>nd</sup> Street. Non-emergency vehicular access to Southwest 20<sup>th</sup> Avenue will be prohibited. All site facilities will have access to Southwest 52<sup>nd</sup> Street via a network of internal private drives and pedestrian access ways. Consistent with the requirements of Concurrency Management Element Policy 1.1.4.b and as shown on the PD Layout Plan, the owner / developer, its successors and assigns, shall provide a vehicular, pedestrian, and bicycle cross access easement to the development to the south (west of SW 52<sup>nd</sup> Street along the southern property line boundary) when development at that site occurs. The location of the cross access connection shall be illustrated on any development plan associated with this PD, and the required connection shall be shown as a stub-out until development on the southern site occurs. The cross access easement shall be recorded by the owner / development in Alachua County Public Records

at the time of execution and a copy provided to the City. The internal circulation system and network will accommodate pedestrian and bicycle traffic, as well as traditional vehicular circulation. Circulation design will ensure safe and efficient routes are designed.

Trip Generations are based upon the ITE <u>Trip Generation</u> manual, 8<sup>th</sup> Edition. The complete traffic study, prepared by Volkert & Associates, Inc., is included under separate cover and analyzes not only the trip generation, but also the distribution of trips generated by the development, the potential modal split, and the impact on intersection operation.

Status	Use	Intensity	Daily Trips
Proposed Intensity (Gross Leasable Area)	Residential Multi-family	10 Units 1,42 (20 bedrooms)	1,421
	Office Retail/Commercial Bank (1 drive thru)	20,000 square feet 20,000 square feet 5,000 square feet	

#### Internal Transportation Access

The sidewalks, pedestrian lighting, and streetscape improvements will be installed to allow for safe internal movement of site visitors. Sidewalks provide connection from the parking area to the facility as well as from the preexisting sidewalks located along SW 52<sup>nd</sup> Street. Mulched pathways shall be permitted within the open space and development areas for the residents and guests' enjoyment.

#### Range of Transportation Choices

Transportation to and from the site is accommodated via pedestrian, bicycle, mass transit, and personal vehicles.

#### Section 30-217 Unified Control

The applicant, Legacy Fountains, LLC, is in complete, legal and unified control of the entire area of the proposed PD. Sufficient evidence will be provided to the city attorney, including all agreements, contracts, guarantees and other necessary documents and information that may be required.

# PLANNED DEVELOPMENT REPORT ADENDUM

Legacy Fountains

Prepared By:

Causseaux, Hewett, & Walpole, Inc. 6011 NW 1<sup>st</sup> Place Gainesville, Florida 32607 (352) 331-1976

Date:

January 12, 2012

Submitted per request by City of Gainesville Planning and Development Services and the City Attorney's Office

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PB-09-116 PDV Legacy Fountains

#### JUSTIFICATION REPORT ADENDUM

The right-of-way (R.O.W.) shown on the PD Layout Map will not be used as part of the Legacy Fountains Planned Development. The overall 5.07 acres will be used for density calculations / purposes so as not to penalize the developer for donating the R.O.W.



PB-09-116 PDV Legacy Fountains

1	<b>ORDINANCE NO.</b> <u>100327</u>
2 3 4 5 6 7 8 9 10 11 12 13 14 15	An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "PS: Public services and operations district" to "Planned Development District"; located in the vicinity of 1420, 1424, 1428, 1432 Southwest 52 <sup>nd</sup> Street; commonly known as "Legacy Fountains, LLC" Planned Development; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.
16 17	WHEREAS, by initiation of a petition by the property owner, publication of notice
18	of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain
19	property within the City from the zoning category of "PS: Public services and operations
20	district" to the zoning category of "Planned Development District"; and
21	WHEREAS, notice was given and publication made as required by law of a public hearing
22	which was then held by the City Plan Board on August 26, 2010; and
23	WHEREAS, notice was given and publication made of a public hearing which was then
24	held by the City Commission on October 7, 2010; and
25	WHEREAS, at least ten (10) days notice has been given once by publication in a
26	newspaper of general circulation prior to the adoption public hearing notifying the public of this
27	proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
28	City Hall, in the City of Gainesville; and

-1-

1	WHEREAS, notice has also been given by mail to the owner whose property will be
2	regulated by the adoption of this Ordinance, prior to the date of the public hearing of this
3	ordinance; and
4	WHEREAS, Public Hearings were held pursuant to the published and mailed notices
5	described at which hearings the parties in interest and all others had an opportunity to be and were,
6	in fact, heard.
7	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
8	CITY OF GAINESVILLE, FLORIDA:
9	Section 1. The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
10	following described property from the zoning category of "PS: Public services and operations
11	district" to the zoning category of "Planned Development District";
12 13 14	See Exhibit "A" attached hereto and made a part hereof as if set forth in full.
15	Section 2. The City Manager or designee is authorized and directed to make the
16	necessary change in the Zoning Map Atlas to comply with this Ordinance.
17	Section 3. The Development Plan attached to this Ordinance which consists of the
18	following:
19	1. the development plan report entitled "Planned Development Report
20	Legacy Fountains, LLC", dated August 12, 2009, last revised on March 10, 2011,
21	and Planned Development Report Addendum" dated January 12, 2012, attached
22	and identified as Exhibit "B"; and

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1		2. development plan maps consisting of three sheets: 1) "Existing Conditions Map"
2		last revised June 21, 2010; 2) "Existing Vegetation Map", last revised June 21, 2010; and
3		3) "PD Layout Plan" dated April 14, 2010, last revised March 29, 2011; identified as
4		Exhibit "C"; are incorporated and made a part of this Ordinance as if set forth in full.
5		The terms, conditions, and limitations of the Development Plan shall regulate the use and
6		development of the land described herein zoned to the category of Planned Development
7		District as provided in Chapter 30, Land Development Code of the City of Gainesville
8		(hereinafter referred to as "Land Development Code"). In the event of conflict between
9		the provisions of the development plan report (Exhibit "B") and the development plan
10		maps (Exhibit "C"), the provisions, regulations, and restrictions of the development plan
11		maps (Exhibit "C") shall govern and prevail.
12		Section 4. Any provision of this Ordinance to the contrary notwithstanding, the following
13	additic	onal conditions, restrictions and regulations shall apply to the development and use of the
14	land:	
15 16 17	1.	This Ordinance does not waive the requirement to obtain all required federal, state, local and special district authorizations prior to the start of any development activity.
18 19 20 21	2.	Except as expressly provided herein, the use, regulations and development of the property shall be governed as if this land were zoned "MU-1: Mixed use low intensity district", all development shall be in conformance with and regulated by the Land Development Code.
22 23 24	3.	All signage associated with this Planned Development shall be regulated by the City of Gainesville Land Development Code.
25 26 27 28 29	4.	Prior to second and final reading of this Planned Development ordinance, the owner/developer shall sign a TCEA (Transportation Concurrency Exception Area) Zone B Agreement (or other transportation mitigation agreement in effect at the time) for required Concurrency Management Element Ordinance Policy 1.1.6 standards (or for required transportation mitigation). Property appraisals for any dedication of ROW that
1 will be counted toward meeting Policy 1.1.6 standards shall be provided at the 2 owner's/developer's expense, and are subject to approval by the City. The deed for any 3 ROW dedication associated with a TCEA Agreement shall be provided to the City at the 4 time of delivery of the Agreement and shall be recorded in Alachua County Public 5 Records by the City within 10 working days of the second and final reading of this 6 Planned Development ordinance. Per Concurrency Management Element Policy 1.1.14, 7 the owner/developer shall sign a Context Area Transit Agreement for any multi-family 8 residential units prior to the issuance of a final development order for the development 9 plan associated with this PD (Planned development district). 10 11 5. Any transportation modifications required for operational or safety purposes shall not 12 count toward meeting Concurrency Management Element Policy 1.1.6 standards 13 14 6. All sidewalk and roadway modifications along SW 52nd Street shall meet the MTPO 15 (Metropolitan Transportation Planning Organization) design standards and be consistent with the SW 62<sup>nd</sup> Blvd. project, as approved by the MTPO. The owner/developer shall 16 develop the subject property to accommodate the additional right-of-way, including 17 transit lanes, which may be needed for the future SW 62<sup>nd</sup> Blvd. extension. 18 19 Sidewalk along SW 20<sup>th</sup> Avenue shall follow the guidelines provided by Alachua County 20 7. 21 Public Works concerning location and design. 22 23 8. Retail/commercial uses shall not be allowed within the maximum square footage 24 allocated to general (non-medical) office use (20,000 sq. ft.) due to the trip allocation 25 provided in the traffic study. 26 27 9. Consistent with the requirements of Concurrency Management Element Policy 1.1.4.b. 28 and as shown on the PD Layout Plan, the owner/developer, its successors and assigns, 29 shall provide a vehicular, pedestrian, and bicycle cross access easement to the development to the south (west of SW 52<sup>nd</sup> Street along the southern property line 30 31 boundary) when development at that site occurs. The location of the cross access connection shall be illustrated on any development plan associated with this PD, and the 32 33 required connection shall be shown as a stub-out until development on the southern site 34 occurs. The cross access easement shall be recorded by the owner/developer in Alachua 35 County Public Records at the time of execution and a copy provided to the City. 36 37 10. The bank/financial institution use may have a maximum of one (1) drive-through lane. 38 The bank drive-through lane shall include a by-pass lane in accordance with the 39 Concurrency Management Element requirements. The only drive-through use allowed 40 within the planned development shall be for a bank/financial institution. No other drive-41 through facilities are allowed. 42

- The color scheme for the development shall be consistent with the City's Advisory Color
   Guidelines on file in the Building Inspection Department.
- 4 12. The owner/developer shall, at a minimum, comply with the sidewalk; building 5 orientation; building wall articulation; mechanical equipment; and parking placement 6 standards of the Central Corridor Special Area Plan, as adopted in the Land Development 7 Code. In addition, the owner/developer shall be required to provide glazing on each floor 8 level of the front, side and rear building facades. The amount of glazing provided on 9 each floor level above the ground floor on the front building facade shall cumulatively 10 equal a minimum of ten (10) percent of the total square footage of the entire front 11 building façade, excluding the ground level. The amount of glazing provided on each 12 floor level of the side and rear building facades shall cumulatively equal a minimum of 13 ten (10) percent of the total square footage of the entire building facade, including the 14 ground level. Operable doors shall not be used towards meeting the minimum glazing 15 requirements. However, operable doors shall be used in calculating the total square 16 footage of each building façade. 17
- 18 13. Non-emergency vehicular access is prohibited on SW 20<sup>th</sup> Avenue. Right-in/right-out
   19 only vehicular access is allowed onto SW 52<sup>nd</sup> Street.
- In additional to the Upland Area set-aside requirements of the Conservation, Open Space
   & Groundwater Recharge Element of the Comprehensive Plan, the owner/developer shall
   comply with the minimum open space requirements of the Land Development Code.
- Prior to the commencement of construction on the subject property, the owner/developer
   shall transplant listed plant species on the subject property in accordance with all
   applicable requirements, subject to review and approval by the City's Environmental
   Coordinator.
- Buring all stages of construction, the owner/developer shall have an archaeologist on the
   subject property or available on-call.
- 33 17. The permitted uses shall be as those listed in the adopted PD Report.
- Accessory uses considered customarily incidental to a permitted principal use on the
  subject property are limited to the uses permitted by right within the planned
  development. Incidental residential accessory uses shall mean storage rooms,
  management offices, club or game rooms, and recreational and laundry facilities intended
  for use solely by the residents and their guests of the planned development. All other
  accessory uses are prohibited.
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19. Stormwater basins shall be designed with an irregular shape so as to retain as much of the existing tree canopy as possible, subject to review and approval by either the City Manager or Designee or the appropriate reviewing board, as appropriate.

5 20. The planned development approved by this ordinance is valid for a period of five years 6 from the date of final adoption of this Ordinance. The City Commission may grant 7 additional extensions (up to one year), provided a written request, expressing the need 8 and showing good cause, is filed in writing with the Clerk of the Commission at least 60 9 days prior to the expiration date. The City Commission shall be the sole arbiter of need and good cause and its decision shall be final. The development order approval by this 10 11 Ordinance shall expire and be deemed null and void if the development is not 12 commenced within the five year period unless an extension is granted by the City Commission. After development activity intended to satisfy the five-year valid period of 13 14 the planned development has commenced, the developer shall in good faith diligently 15 pursue completion of the remainder of the development. In the event a building permit is 16 issued but the development or portion of the development fails to proceed to completion with due diligence and in good faith resulting in the expiration of a building permit or 17 other development order, then this development order shall expire and be deemed null 18 19 and void. If any time period expires with no extension being requested or granted, then 20 the City will initiate a petition to designate other appropriate zoning consistent with the Comprehensive Plan. For the purposes of this condition, commencement of development 21 shall mean the construction of a minimum of 25,000 square feet of building area (not 22 23 including accessory structured parking) within the development. 24

- The development is limited to a maximum lot coverage not to exceed 40 percent of the
   total square acreage of the subject property, excluding land that may be deeded for right of-way purposes. The maximum impervious coverage (buildings included), shall not
   exceed 52 percent of the total acreage of the subject property, excluding land that may be
   deeded for right-of-way purposes.
- 31 22. The owner/developer shall be required to submit a separate demolition/construction
  32 staging plan with development plans for the planned development.
- The development is limited to a maximum building height of three (3) stories or 50 feet ,
  whichever is greater. Building height shall be measured as provided in the Land
  Development Code.
- The development is limited to a maximum of 45,000 square feet of building area, floor
  area and gross floor area for non-residential use, that is comprised of the following: a
  maximum of 20,000 square feet for retail/commercial use; a maximum of 20,000 square
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1 2 3		feet for office use; and a maximum of 5,000 square feet for a stand-alone bank with one drive- through lane.				
4 5 6	25.	No one non-residential use shall consist of less than 500 square feet of building area, gross floor area or floor area, as these terms are used in the Land Development Code.				
7 8 0	26.	No one non-residential use shall consist of more than 10,000 square feet of building area, floor area or gross floor area, as these terms are used in the Land Development Code.				
9 10 11 12	27.	Each building shall consist of a vertical and/or horizontal mix of allowable uses. No building shall consist of only one use, except for a stand-alone bank building with one drive-through lane.				
12 13 14 15	28.	Chain-link fencing shall be prohibited within the planned development, color coated chain-link fencing may be used for security purposes around the perimeter of Zone B. Existing chain-link fencing along the boundary of the property on SW 20 <sup>th</sup> Avenue and I-75 may remain.				
16 17 18 19	29.	The City Manager or designee may allow stormwater conveyance infrastructure within Zone C, in a location that is determined by the City to have the least impact on the upland conservation area of Zone C.				
20 21		Section 5. Any person who violates any of the provisions of this ordinance shall be deemed guilty				
22	of a mu	inicipal ordinance violation, and shall be subject to fine or imprisonment as provided by section 1-9				
23	of the	Gainesville Code of Ordinances. Each day a violation occurs or continues, regardless of whether				
24	such vie	olation is ultimately abated or corrected, shall constitute a separate offense.				
25		Section 6. If it is determined by the City Manager that a violation of this Ordinance exists, the City				
26	Manage	er may issue and deliver an order to cease and desist from such violation to correct the violation, to				
27	preclud	e occupancy of the affected building or area, or to vacate the premises. The City Manager, through				
28	the City Attorney, may seek an injunction in a court of competent jurisdiction and seek any other remedy					
29	availab	le at law.				
30		Section 7. If any word, phrase, clause, paragraph, section or provision of this ordinance				
31	or the application hereof to any person or circumstance is held invalid or unconstitutional, such					
32	finding	shall not affect the other provisions or applications of the ordinance which can be given				

1	effect without the invalid or unconstitutional provisions or application, and to this end the
2	provisions of this ordinance are declared severable.
3	Section 8. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
4	such conflict hereby repealed.
5	Section 9. This ordinance shall become effective immediately upon final adoption.
6	. <b>PASSED AND ADOPTED</b> this 16th day of February, 2012.
7 8 9 10 11 12 13 14 15 16	ATTEST: ATTEST: APPROVED AS TO FORM AND LEGALITY:
16 17 18 19 20	Kurt Lannor, Marion J. Radson, City Attorney Clerk of the Commission FEB 1 6 2012
20 21 22	This ordinance passed on first reading this 5th day of May, 2011.

23 This ordinance passed on second reading this 16th day of February, 2012.

#### 2 3 An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of 4 5 approximately 18.5 acres of property generally located at the southwest corner of SW 52<sup>nd</sup> Street and SW 20<sup>th</sup> Avenue, as more specifically described in 6 this ordinance, from Planned Use District (PUD) and Residential Medium-7 Density (RM) to Mixed-Use Low-Intensity (MUL); providing directions to the 8 9 City Manager; providing a severability clause; providing a repealing clause; and providing an effective date. 10 11 12 WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city; and 13 WHEREAS, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1), 14 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the 15 orderly and balanced future economic, social, physical, environmental, and fiscal development 16 of the city as reflected by the community's commitments to implement such plan; and 17 WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville 18 19 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that designates the future general distribution, location, and extent of the uses of land for 20 residential, commercial, industry, agriculture, recreation, conservation, education, public 21 facilities, and other categories of the public and private uses of land, with the goals of 22 protecting natural and historic resources, providing for the compatibility of adjacent land uses, 23 and discouraging the proliferation of urban sprawl; and 24 WHEREAS, this ordinance, which was noticed as required by law, will amend the Future Land 25 Use Map of the Comprehensive Plan by changing the land use category of the property that is 26

**ORDINANCE NO. 170483** 

27 the subject of this ordinance; and

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WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 26, 2017, and voted to recommend that the City Commission approve this Future Land Use Map amendment; and

6 WHEREAS, an advertisement no less than two columns wide by ten inches long was placed in a
7 newspaper of general circulation and provided the public with at least seven days' advance
8 notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City
9 Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of
10 Gainesville; and

WHEREAS, after the first public hearing, the City of Gainesville transmitted copies of this proposed amendment to the reviewing agencies and any other local government unit or state agency that requested same; and

WHEREAS, a second advertisement no less than two columns wide by ten inches long was placed in the aforesaid newspaper and provided the public with at least five days' advance notice of this ordinance's second public hearing (i.e., adoption hearing) to be held by the City Commission; and

WHEREAS, public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and WHEREAS, prior to adoption of this ordinance, the City Commission has considered any written comments received concerning this Future Land Use Map amendment.

# NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

3 SECTION 1. The Future Land Use Map of the City of Gainesville Comprehensive Plan is
4 amended by changing the land use category of the following property from Planned Use
5 District (PUD) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL):

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

SECTION 2. Within ten working days of the transmittal (first) hearing, the City Manager or designee is authorized and directed to transmit this Future Land Use Map amendment and appropriate supporting data and analyses to the reviewing agencies and to any other local government or governmental agency that has filed a written request for same with the City. Within ten working days of the adoption (second) hearing, the City Manager or designee is authorized and directed to transmit this amendment to the state land planning agency and any other agency or local government that provided comments to the City regarding the amendment.

SECTION 3. The City Manager or designee is authorized and directed to make the necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in order to comply with this ordinance.

21 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or 22 the application hereof to any person or circumstance is held invalid or unconstitutional, such 23 finding shall not affect the other provisions or applications of this ordinance that can be given

effect without the invalid or unconstitutional provision or application, and to this end the
 provisions of this ordinance are declared severable.

3 SECTION 5. All ordinances or parts of ordinances in conflict herewith are to the extent of such
4 conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan.

5 SECTION 6. This ordinance shall become effective immediately upon adoption; however, the 6 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the amendment is not timely challenged, shall be 31 days after the state land planning agency 7 notifies the City that the plan amendment package is complete in accordance with Section 8 163.3184, Florida Statutes. If timely challenged, this Comprehensive Plan amendment shall 9 10 become effective on the date the state land planning agency or the Administration Commission enters a final order determining the amendment to be in compliance with Chapter 163, Florida 11 Statutes. No development orders, development permits, or land uses dependent on this 12 Comprehensive Plan amendment may be issued or commenced before this amendment has 13 become effective. 14

15 **PASSED AND ADOPTED** this 7th day of June, 2018.

16 17 18 19 20 21 Attest: 22 23 24 Detuchor of the commission 25 OMICHELE GAINEY 26 CLERK OF THE COMMISSION

27

LAUREN POE MAYOR

Approved as to form and legality:

NICOLLE M. SHALLEY CITY ATTORNEY

28 This ordinance passed on transmittal (first) reading this 15th day of March, 2018.

29 This ordinance passed on adoption (second) reading this 7th day of June, 2018.

A PARCEL OF LAND SITUATED IN LOTS 3, 4, 5 AND 6 OF JOHN B. DENTON LANDS AS RECORDED IN PLAT BOOK A, AT PAGE 10 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 3 FOR A POINT OF REFERENCE; THENCE RUN NORTH 00°31'21"WEST, ALONG THE WEST LINE OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, A DISTANCE OF 319.31 FEET TO THE SOUTH THE RIGHT OF WAY LINE OF SW 20<sup>th</sup> AVENUE, (100 FOOT WIDE RIGHT OF WAY); THENCE RUN NORTH 89°33'49"EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1363.26 FEET TO IT'S INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75, (300 FOOT LIMITED ACCESS RIGHT OF WAY) AND THE POINT OF BEGINNING; THENCE RUN NORTH 89°33'49"EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SW 20th AVENUE, A DISTANCE OF 936.24 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 45°26'11"EAST, A DISTANCE OF 35.36 FEET TO THE WEST RIGHT OF WAY LINE OF SW 52<sup>nd</sup> STREET, ( A 100 FOOT WIDE RIGHT OF WAY); THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE SOUTH 00°26'11"EAST, A DISTANCE OF 770.03 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1605.65 FEET; THENCE RUN 898.34 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 32°03'22", SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 16°27'52"EAST, 886.67 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 32°29'32"EAST, A DISTANCE OF 287.85 FEET TO THE END OF SAID RIGHT OF WAY; THENCE RUN NORTH 57°30'28"EAST, A DISTANCE OF 100.00 FEET: THENCE RUN SOUTH 32°29'32"EAST. A DISTANCE OF 193.62 FEET TO THE NORTH LINE OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1997 AT PAGE 2456 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 89°32'26"WEST, ALONG SAID LINE, A DISTANCE OF 243.97 FEET TO IT'S INTERSECTION WITH THE AFOREMENTIONED NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75: THENCE RUN ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, NORTH 32°35'02" WEST, A DISTANCE OF 1076.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 23095.33 FEET; THENCE RUN 1312.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 3°15'20" AND SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 34°12'42"WEST, 1312.06 FEET TO THE END OF SAID CURVE AND THE **POINT OF BEGINNING**.

ALL LYING AND BEING IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.





1	ORDINANCE NO. 170484
2 3 4 5 6 7 8 9	An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 18.5 acres of property generally located at the southwest corner of SW 52 <sup>nd</sup> Street and SW 20 <sup>th</sup> Avenue, as more specifically described in this ordinance, from Planned Development District (PD) and Residential Multi-Family (RMF-6) to Mixed-Use Low-Intensity (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.
11	WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a
12	Comprehensive Plan to guide the future development and growth of the city; and
13	WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville
14	Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that
15	designates the future general distribution, location, and extent of the uses of land for
16	residential, commercial, industry, agriculture, recreation, conservation, education, public
17	facilities, and other categories of the public and private uses of land, with the goals of
18	protecting natural and historic resources, providing for the compatibility of adjacent land uses,
19	and discouraging the proliferation of urban sprawl; and
20	WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or
21	amend and enforce land development regulations that are consistent with and implement the
22	Comprehensive Plan and that are combined and compiled into a single land development code
23	for the city; and
24	WHEREAS, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville
25	Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and
26	land development regulations on specific classifications of land within the city; and

WHEREAS, this ordinance, which was noticed as required by law, will amend the Zoning Map 1 2 Atlas by rezoning the property that is the subject of this ordinance; and 3 WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency 4 pursuant to Section 163.3174, Florida Statutes, held a public hearing on October 26, 2017, and 5 voted to recommend that the City Commission approve this rezoning; and 6 WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of 7 general circulation notifying the public of this proposed ordinance and of public hearings in the 8 City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and 9 10 WHEREAS, public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and 11 12 WHEREAS, the City Commission finds that the rezoning of the property described herein will be consistent with the City of Gainesville Comprehensive Plan when the amendment to the 13 14 Comprehensive Plan adopted by Ordinance No. 170483 becomes effective as provided therein. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, 15 FLORIDA: 16 17 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the following property from Planned Development District (PD) and Residential Multi-Family (RMF-18 19 6) to Mixed-Use Low-Intensity (MU-1): See legal description attached as **Exhibit A** and made a part hereof as if set 20 forth in full. The location of the property is shown on **Exhibit B** for visual 21 reference. In the event of conflict or inconsistency, Exhibit A shall prevail 22 23 over Exhibit B. 24 25 **SECTION 2.** The City Manager or designee is authorized and directed to make the necessary

1 changes to the Zoning Map Atlas to comply with this ordinance,

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

SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such
 conflict hereby repealed.

SECTION 5. This ordinance shall become effective immediately upon adoption; however, the
 rezoning shall not become effective until the amendment to the City of Gainesville
 Comprehensive Plan adopted by Ordinance No. 170483 becomes effective as provided therein.

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13 **PASSED AND ADOPTED** this 7<sup>th</sup> day of June, 2018.

14 15 16 17 LAUREN POE 18 19 MAYOR 20 Attest: Approved as to form and legality: 21 22 23 24 25 OMICHELE GAINEY NICOLLE M. SHALLEY CLERK OF THE COMMISSION **CITY ATTORNEY** 26 27 28 29 This ordinance passed on first reading this 15th day of March, 2018. 30 31 32 This ordinance passed on second reading this 7th day of June, 2018.

#### Legal Description

A PARCEL OF LAND SITUATED IN LOTS 3, 4, 5 AND 6 OF JOHN B. DENTON LANDS AS RECORDED IN PLAT BOOK A, AT PAGE 10 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 3 FOR A POINT OF REFERENCE; THENCE RUN NORTH 00°31'21"WEST, ALONG THE WEST LINE OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, A DISTANCE OF 319.31 FEET TO THE SOUTH THE RIGHT OF WAY LINE OF SW 20<sup>th</sup> AVENUE, (100 FOOT WIDE RIGHT OF WAY); THENCE RUN NORTH 89°33'49"EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1363.26 FEET TO IT'S INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75, (300 FOOT LIMITED ACCESS RIGHT OF WAY) AND THE POINT OF BEGINNING; THENCE RUN NORTH 89°33'49"EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF SW 20th AVENUE, A DISTANCE OF 936.24 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 45°26'11"EAST, A DISTANCE OF 35.36 FEET TO THE WEST RIGHT OF WAY LINE OF SW 52<sup>nd</sup> STREET, ( A 100 FOOT WIDE RIGHT OF WAY); THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE SOUTH 00°26'11"EAST, A DISTANCE OF 770.03 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1605.65 FEET: THENCE RUN 898.34 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 32°03'22", SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 16°27'52"EAST, 886.67 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 32°29'32"EAST, A DISTANCE OF 287.85 FEET TO THE END OF SAID RIGHT OF WAY; THENCE RUN NORTH 57°30'28"EAST. A DISTANCE OF 100.00 FEET; THENCE RUN SOUTH 32°29'32"EAST, A DISTANCE OF 193.62 FEET TO THE NORTH LINE OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1997 AT PAGE 2456 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 89°32'26"WEST, ALONG SAID LINE, A DISTANCE OF 243.97 FEET TO IT'S INTERSECTION WITH THE AFOREMENTIONED NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE RUN ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, NORTH 32°35'02" WEST, A DISTANCE OF 1076.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST. HAVING A RADIUS OF 23095.33 FEET: THENCE RUN 1312.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 3°15'20" AND SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 34°12'42"WEST, 1312.06 FEET TO THE END OF SAID CURVE AND THE POINT OF BEGINNING.

ALL LYING AND BEING IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.





Appendix "E"

**Development Plans** 



	1. DEVELOPMENT DATA: PROPOSED DEVELOPMENT	11.
NS	TOTAL AREA= 310,232 S.F. 100.0% 7.12 ACRES EX. IMPERVIOUS PAVEMENT= 754 S.F. 0.2% TOTAL IMPERVIOUS AREA= 90,720 S.F. 29.2% OPEN AREA= 219,512 S.F. 70.8%	
	DESCRIPTION: THIS PROJECT CONSISTS OF THE CONSTRUCTION OF A 5,490 SF FUELING STATION BUILDING WITH AN 756 SF CAR WASH BUILDING AND ASSOCIATED UTILITIES, INFRASTRUCTURE AND STORMWATER MANAGEMENT FACILITIES.	12.
	2. SITE ZONING: MIXED USE LOW INTENSITY (MU-1)	13.
	LAND USE: MIXED-USE LOW (MUL)	14.
		15.
	3. PARKING: REQUIRED:	16.
	CAR: 1 PER 250 SQUARE FEET OF FLOOR AREA; 5082 SQ.FT = 20 SPACES	17.
	BIKE: 10% OF CAR PARKING; 2 SPACES	18.
	MOTORCYCLE: N/A	19.
	PROVIDED: 26 REGULAR & 2 HANDICAP SPACES = 28 PROVIDED SPACES; 2 BIKE SPACES, 0 MOTORCYCLE SPACES 4. UTILITIES: ALL UTILITY SERVICES SHALL BE INSTALLED BELOW GRADE PER LDC SECTION 30-345. <u>WATER:</u> - SITE WILL BE SERVED WITH A NEW 8" WATER MAIN WHICH WILL TIE INTO AN EXISTING 12" WATER MAIN LOCATED ALONG THE SOUTH SIDE OF NW 20TH AVENUE. WASTERWATED: WASTEWATED WILL BE DIRECTED VIA CRAVITY MAIN TO AN EXISTING CRAVITY	20.
JA	<u>WASTEWATER:</u> - WASTEWATER WILL BE DIRECTED VIA GRAVITY MAIN TO AN EXISTING GRAVITY SANITARY SEWER MAIN ON SW 52ND STREET. <u>ELECTRIC:</u> - ELECTRIC SERVICES TO THE BUILDING WILL BE FED FROM THE SW CORNER OF SW 52ND	
	STREET AND SW 20TH AVENUE	
	<u>GAS:</u> - N/A 5. STORMWATER MANACEMENT LITULITY DATA:	
	TOTAL IMPERVIOUS AREA = 90,720  S.F.	
	BASIN ID LOWEST DISCHARGE RETENTION VOL. BELOW RETENTION AREA AT ELEVATION (FT) LOWEST DISCHARGE EL. (CF) LOWEST DISCHARGE EL. (SF)	21.
	SMF #1 (DRY RETENTION) 79.69 31,780 CF 45,828 SF	
	THE PROJECT MUST COMPLY WITH ALL NPDES CRITERIA BOTH DURING AND AFTER CONSTRUCTION.	
RICT	6. REFUSE COLLECTION: ON-SITE DUMPSTER WITHIN SCREENED ENCLOSURE (SEE C1.00 FOR LOCATION)	-
	7. PARKING LOT LIGHTING IS PROVIDED THROUGH A PRIVATELY OWNED AND MAINTAINED LIGHTING SYSTEM. THE LIGHT LOCATIONS PROVIDE FULL CUTOFF LUMINARIES AND COMPLIES WITH ARTICLE IX OF THE LAND DEVELOPMENT CODE.	
	8. ALL NEW TRAFFIC CONTROL DEVICES (SIGNS AND PAVEMENT MARKINGS) SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND FLORIDA D.O.T. STANDARDS.	
	9. FIRE PROTECTION: THE BUILDING SHALL COMPLY WITH THE FLORIDA FIRE PREVENTION CODE. FIRE PROTECTION SYSTEMS PROVIDED IN THE STRUCTURES SHALL BE INSTALLED IN FULL COMPLIANCE WITH THE APPROPRIATE FIRE PROTECTION AND BUILDING CONSTRUCTION STANDARDS. ALL STABILIZED SURFACES MUST BE IN PLACE PRIOR TO	22.
	ANY ACCUMULATION OF COMBUSTIBLES ON SITE. THE BUILDING WILL NOT BE SPRINKLED. IN-BUILDING PUBLIC SAFETY RADIO ENHANCEMENT SYSTEMS SHALL BE	23.
	PROVIDED IN ALL BUILDINGS WHERE MINIMUM RADIO SIGNAL STRENGTH FOR FIRE DEPARTMENT COMMUNICATIONS IS NOT ACHIEVED AT A LEVEL DETERMINED BY THE AHL IT IS HIGHLY RECOMMENDED THAT DEVELOPERS	24.
	EVALUATE AND ADDRESS THE POTENTIAL NEED FOR IBPRES IN THE EARLY STAGES OF PROJECT PLANNING. FOR ADDITIONAL SPECIFIC REQUIREMENTS PERTAINING TO SIGNAL STRENGTH, COVERAGE, MAINTENANCE AND TESTING REFER TO NFPA 72-14.4.12 AND 24.5.2. [GAINESVILLE FIRE PREVENTION AND PROTECTION CODE SECTION 10-9	25.
	(NFPA 1-11.10)]	27.
	10. IN-BUILDING PUBLIC SAFETY RADIO ENHANCEMENT SYSTEMS SHALL BE PROVIDED IN ALL BUILDINGS WHERE MINIMUM RADIO SIGNAL STRENGTH FOR FIRE DEPARTMENT COMMUNICATIONS IS NOT ACHIEVED AT A LEVEL DETERMINED BY THE AHJ. IT IS HIGHLY RECOMMENDED THAT DEVELOPERS EVALUATE AND ADDRESS THE POTENTIAL NEED FOR IBPRES IN THE EARLY STAGES OF PROJECT PLANNING. FOR ADDITIONAL SPECIFIC REQUIREMENTS PERTAINING TO SIGNAL STRENGTH, COVERAGE, MAINTENANCE AND TESTING REFER TO NFPA	28.

FOR REVIEW ONLY	
<b>GRU CERTIFICATION</b>	
THE WATER & WASTEWATER SYSTEM DESIGN IS IN ACCORDANCE WITH CURRENT GRU DESIGN STANDARDS.	
DANIEL H. YOUNG FL PE No. 70780	
DATE:	
GRU NOTIFICATIONS	
1. NOTIFY GRU WASTEWATER ENGINEERING 48 HOURS PRIOR TO CONSTRUCTION AT 352-393-1633; IF PROPER NOTIFICATION IS NOT MADE, CONTRACTOR IS SUBJECT TO STOP WORK ORDER.	
2. NOTIFY GRU ELECTRIC INSPECTIONS 48 HOURS PRIOR TO CONSTRUCTION AT 352-339-0430; IF PROPER NOTIFICATION IS NOT MADE, CONTRACTOR IS SUBJECT TO BE SHUT DOWN.	
<i>x</i>	
BEFORE YOU DIG ! CALL SUNSHINE STATE ONE CALL OF FLORID AT LEAST TWO FULL BUSINESS DAYS BEFORE DIGGING OR DISTURBING EARTH	A
Know what's <b>Delow.</b> 1-800-432-4770 Call before you dig.	



**C0.00** 















# PLANT SCHEDULE

<u>TREES</u> BN	<u>QTY</u> 13	<u>BOTANICAL NAME</u> BETULA NIGRA 'DURA HEAT'	<u>COMMON_NAME</u> DURA HEAT RIVER BIRCH	<u>SIZE</u> 30 GAL,
QS	3	QUERCUS SHUMARDII	SHUMARD OAK	30 GAL,
QVC	18	QUERCUS VIRGINIANA 'CATHEDRAL'	CATHEDRAL LIVE OAK	30 GAL,
TD	21	TAXODIUM DISTICHUM	BALD CYPRESS	30 GAL,
JA	9	ULMUS ALATA	WINGED ELM	30 GAL,
<u>SHRUBS</u> DB	<u>QTY</u> 76	<u>BOTANICAL NAME</u> ILEX CORNUTA 'DWARF BURFORDII'	<u>COMMON_NAME</u> DWARF_BURFORD_HOLLY	<u>SIZE</u> 3 GAL, 2 <sup>,</sup>
VOS	88	VIBURNUM OBOVATUM 'MRS. SHILLER'S DELIGHT'	MRS. SHILLERS DELIGHT VIBURNUM	3 GAL., 1
VS	77	VIBURNUM SUSPENSUM	SANDANKWA VIBURNUM	3 GAL., 1
<u>GROUND COVERS</u> HD	<u>QTY</u> 308	<u>BOTANICAL NAME</u> HELIANTHUS DEBILIS	<u>COMMON_NAME</u> DUNE_SUNFLOWER	<u>SIZE</u> 4"POT
MU	908	MUHLENBERGIA CAPILLARIS	PINK MUHLY	4"POT
SB	439	SPARTINA BAKERI	SAND CORD GRASS	4"POT
TG	373	TRIPSACUM DACTYLOIDES	FAKAHATCHEE GRASS	4"POT
<u>SOD/SEED</u> SOD		<u>BOTANICAL NAME</u> PASPALUM NOTATUM 'ARGENTINE'	<u>COMMON_NAME</u> BAHIA GRASS	<u>size</u> Weed fri







., 12' HT, 42" SPR, 2" CAL ., 10' HT, 4' SPR, 2" CAL

., 12' HT, 42" SPR, 2" CAL , 12' HT, 42" SPR, 2" CAL , 12' HT, 54" SPR, 2" CAL





	GENERAL NOTES ALL ASPHALT, LIMEROCK, AND CONSTRUCTION DEBRIS TO BE REMOVED FROM PLANTING BEDS AND AREAS TO BE SODDED PRIOR TO LANDSCAPE INSTALLATION. PLANTING DEPTH OF SOIL IN SUCH AREAS SHOULD BE AT LEAST 3'. IF FILL MUST BE ADDED, IT MUST BE FLORIDA CLEAN DEEP FILL (FREE OF WEED SEEDS) WITH pH 5.5–6.5.	
	ALL TREES TO BE A MINIMUM SEVEN (7) FEET IN HEIGHT AND TWO (2) INCH CALIPER, OR LARGER, UNLESS OTHERWISE SPECIFIED BY THE LANDSCAPE ARCHITECT.	V
	ALL TREES TO BE PLANTED 1"-2" ABOVE FINISHED GRADE.	
	ALL LANDSCAPED AREAS SHALL BE MULCHED WITH 3" THICKNESS OF MULCH. PINE BARK MULCH SHALL BE USED IN ALL AREAS, EXCEPT RETENTION AREAS. PINE STRAW MULCH SHALL BE USED IN RETENTION AREAS.	
-	TREES OUTSIDE OF MULCHED LANDSCAPED BEDS TO BE PROTECTED FROM MOWER AND STRING TRIMMER DAMAGE WITH 10" OF PLASTIC DRAIN TUBE.	
	LEADER SHOOTS AND MAIN STRUCTURAL LIMBS OF TREES WILL NOT BE TOPPED OR PRUNED. TREES TO BE STAKED AS NEEDED, GUYLINES TO BE NON-SYNTHETIC BIODEGRADABLE MATERIAL.	
	OWNER SHALL BE RESPONSIBLE FOR (1) THE SURVIVAL OF THE LANDSCAPING ELEMENTS AND (2) REMOVAL OF ALL STAKING SYSTEMS WITHIN ONE YEAR. TREES WILL BE STAKED ONLY IF NECESSARY, AND IF STAKED, BIODEGRADABLE TWINE WILL BE USED.	11 न
,	CALL THE URBAN FORESTRY INSPECTOR FOR A BARRICADE INSPECTION AT 352–334–5023 BEFORE CLEARING AND GRUBBING WORK BEGINS.	
<u> </u>	INVASIVE EXOTIC PLANT MATERIAL ALL INVASIVE PLANT SPECIES TO BE REMOVED FROM SITE PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.	
-	<u>GRASSING</u> ALL DISTURBED AND UNPAVED AREAS TO BE GRASSED WITH SOD THAT IS FREE OF NOXIOUS WEEDS INCLUDING TROPICAL SODA APPLE OR SHALL BE SEEDED AND MULCHED. SEE CIVIL SITE PLANS FOR ADDITIONAL RELATED INFORMATION.	
	PLANT MATERIAL ALL PLANT MATERIAL TO BE FLORIDA NO.1 OR BETTER, GRADED IN ACCORDANCE WITH THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE, DIVISION OF PLANT INDUSTRY'S 'GRADES AND STANDARDS FOR NURSERY PLANTS'. CALL THE CITY URBAN FORESTRY INSPECTOR AT 352-334-5023 AND LANDSCAPE ARCHITECT PRIOR TO PURCHASING ANY PLANT MATERIAL FOR AN ON SITE INSPECTION AND REVIEW OF LANDSCAPE PLAN.	
	I <u>RRIGATION</u> LANDSCAPE IRRIGATION TO BE PROVIDED BY AUTOMATIC IRRIGATION SYSTEM. BUBBLERS SHALL BE INSTALLED BY EACH TREE AS PART OF THE IRRIGATION SYSTEM.	
	T.M.P.A. SITE IS LOCATED IN ZONE B OF THE TRANSPORTATION MOBILITY PROGRAM AREA.	
	TREE PROTECTION NOTES	
	1. REGULATED TREES TO REMAIN THAT ARE WITHIN 50 FEET OF ANY CONSTRUCTION ACTIVITY OR STORAGE OF EQUIPMENT OR MATERIALS SHALL BE PROTECTED BY A TREE PROTECTION BARRIER.	
:	2. TREE BARRIERS SHALL BE PLAINLY VISIBLE AND SHALL CREATE A CONTINUOUS BOUNDARY AROUND TREES TO REMAIN TO PREVENT ENCROACHMENT BY MACHINERY. NO CONSTRUCTION EQUIPMENT, MATERIALS, SUPPLIES, FUELS, OR CHEMICALS SHALL BE STORED WITHIN THE TREE BARRICADE LIMITS AT ANY TIME.	
	3. BARRIERS SHALL BE PLACED AT OR OUTSIDE THE DRIP LINE FOR HERITAGE AND CHAMPION TREES AND ALL REGULATED PINE AND PALM TREES. FOR ALL OTHER REGULATED TREES TO REMAIN, TREE BARRIERS SHALL BE LOCATED AT TWO-THIRDS THE AREA OF THE TREE DRIPLINE OR AT THE ROOT PLATE AT A MINIMUM AND WITH CITY URBAN FORESTRY INSPECTOR APPROVAL.	
	4. NO GRADE CHANGES SHALL BE MADE WITHIN THE PROTECTIVE BARRIER ZONES WITHOUT PRIOR APPROVAL OF THE CITY MANAGER OR DESIGNEE.	
	5. TREE BARRICADES SHALL REMAIN IN PLACE AND IN WORKING ORDER THROUGHOUT CONSTRUCTION. BARRICADES SHALL BE REMOVED ONCE MAJOR CONSTRUCTION ACTIVITIES ARE COMPLETE AND LANDSCAPE INSTALLATION BEGINS. LANDSCAPE PREPARATION WITHIN THE PROTECTED AREAS SHALL BE LIMITED TO SHALLOW DISKING LIMITED TO A DEPTH OF FOUR (4) INCHES UNLESS OTHERWISE APPROVED BY CITY MANAGER.	
	6. A LAYER OF WOOD CHIPS AT LEAST EIGHT (8) INCHES THICK SHALL COVER THE SOIL WITHIN THE TREE BARRICADE AREA.	2
	7. WHERE ROOTS GREATER THAN ONE (1) INCH ARE DAMAGED OR EXPOSED, THEY SHALL BE CUT CLEANLY AND RE-COVERED WITH SOIL WITHIN ONE HOUR OF DAMAGE OR EXPOSURE.	א
	8. CONTRACTOR SHALL TRIM ONLY THOSE EXISTING TREES AS NOTED ON THE PLAN OR AS APPROVED BY OWNER'S REPRESENTATIVE AND LANDSCAPE ARCHITECT. TRIMMING/PRUNING SHALL BE DONE IN ACCORDANCE WITH THE MOST CURRENT VERSION OF THE AMERICAN NATIONAL STANDARD FOR TREE CARE OPERATIONS 'TREE, SHRUB, AND OTHER WOODY PLANT MAINTENANCE (ANSI 300) AND 'PRUNING, TRIMMING, REPAIRING, MAINTAINING, AND REMOVING TREES, AND CUTTING BRUSH SAFETY REQUIREMENTS' (ANSI Z133). REMOVE NO MORE THAN 25% OF THE CROWN AT ONE TIME. ON YOUNG TREES, REMOVE NO MORE THAN 33% OF THE TRUNK BARE OF BRANCHES. DISCUSS PROPOSED TRIMMING ACTIVITIES WITH OWNER'S REPRESENTATIVE AND CITY'S URBAN FORESTRY INSPECTOR PRIOR TO ACTVIITIES/REMOVAL.	ר א א
	9. <u>STANDARD TREE PROTECTION BARRIER FOR REGULATED TREES THAT ARE</u> <u>NOT HIGH-QUALITY HERITAGE – SEE DETAIL 1/LS-2</u> : BARRICADES TO BE A MINIMUM OF THREE (3) FEET TALL AND CONSTRUCTED OF EITHER 2X4 WOODEN CORNER POSTS BURIED TO ONE FOOT DEPTH WITH AT LEAST TWO COURSES OF 1X4 WOODEN SIDE SLATS WITH COLORED FLAGGING/COLORED MESH ATTACHED <u>OR</u> CONSTRUCTED OF ONE-INCH ANGLE IRON CORNER POSTS WITH BRIGHTLY COLORED MESH CONSTRUCTION FENCING ATTACHED. SEE NOTE 10 FOR ADDITIONAL REQUIREMENTS FOR HIGH-QUALITY HERITAGE TREE BARRIERS.	 1 N F
	10. ADDITIONAL BARRIER REQUIREMENTS FOR HIGH QUALITY HERITAGE TREES TO <u>REMAIN – SEE DETAIL 2/LS-2</u> : HIGH QUALITY HERITAGE TREES SHALL BE PROTECTED BY GALVANIZED CHAIN LINK FENCING A MINIMUM OF 48" HIGH, 11-GUAGE WIRE, AND 2" MESH SIZE SECURED WITH 1-7/8" LINE POSTS NO FURTHER THAN 10 FT. APART AND SECURED AT A DEPTH OF THREE (3) FEET BELOW THE SOIL LINE. BARRIER CORNERS SHALL BE SECURED WITHIN	

11. CALL PLANNING SERVICES AT 352-334-5023 TO SCHEDULE A BARRICADE INSPECTION BEFORE ANY CLEARING AND GRUBBING WORK BEGINS.

MITIGATION CALCULATIONS Sec. 30-254(c)(4) MITIGATION CALCULATIONS DRY TOTAL TREES IN CATEGORY ISED TO BE MITIGATED .... E (T.A.V.) MAXIMUM APPRAISED TREES....... MAXIMUM 3 TREES PER ACRE TOTAL SITE AREA: 7.12 ACRES TREES BEYOND MAXIMUM, TO BE MITIGATED AT INCH FOR INCH REPLACEMENT (SEE BELOW)......0 TREES APPRAISED TREES: 29"ELM – 24" MAGNOLIA — + <u>22"ELM –</u> TOTAL = -FOR-INCH ACEMENT T.A.V. TREES BEYOND MAXIMUM N/A HIGH-QUALITY HERITAGE TREES IN LESS THAN FAIR CONDITION N/A NON-HIGH QUALITY HERITAGE TREES IN FAIR OR BETTER CONDITION 28" HACKBERRY 29" HACKBERRY. 20" HACKBERRY. 20" HACKBERRY. 28" HACKBERRY. 20" HACKBERRY. 22" HACKBERRY. 30" HACKBERRY. 30" SWEETGUM .. 30" SWEETGUM ... 30" HACKBERRY.. 23" SHUMARD OAK ... 26" SHUMARD OAK .. 35" SHUMARD OAK ... 25" SHUMARD OAK ... 22" HACKBERRY .. 32" HACKBERRY. 24" HACKBERRY. 21" HACKBERRY. 30" HACKBERRY. 30" TURKEY OAK .. 27" HACKBERRY. 21" TURKEY OAK .... 27" HACKBERRY. 22" HACKBERRY. 28" HACKBERRY. 36" HACKBERRY.. 24" SWAMP CHESTNUT OAK ... 20" HACKBERRY. 30" HACKBERRY. 20" HACKBERRY. 24" SWAMP CHESTNUT OAK .... 30" HACKBERRY. 28" HACKBERRY. 24" HACKBERRY. 24" HACKBERRY. 30" SWEETGUM .. TOTAL INCHES REQUIRED .... TOTAL TREES TO BE MITIGATED AT 2:1 REPLACEMENT..... CEMENT TOTAL TREES REQUIRED FOR MITIGATION @ 2:1 REPLACEMENT..... TOTAL INCHES REQUIRED @ 2"/TREE.....1,168" TREE TOTAL MITIGATION INCHES REQUIRED ..... TOTAL MITIGATION PROVIDED .. 64 @ 2.0" = 128" 64 TREES FOR A TOTAL OF 128" TOTAL MITIGATION INCHES DEFICIT .... TOTAL MITIGATION TREES REQUIRED @ 2"/TREE..... TOTAL MITIGATION PAYMENT: TION TREE APPRAISALS TOTAL ... DEFICIT PAYMENT (\$100/TREE)... TOTAL PAYMENT REQUIRED .... \* <u>NOTE:</u> MITIGATION PAYMENT SHALL BE MADE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.





## **GENERAL NOTES**

- 1. HIGHLIGHTED POINTS REPRESENT MAXIMUM/MINIMUM VALUE FOR EACH AREA.
- 2. FIXTURES WILL BE CONTROLLED WITH PHOTOCELL AND OPERATE DUSK-TO-DAWN.
- 3. POLES SHALL BE LOCATED MINIMUM 24" BEHIND CURB AND SHALL BE PROVIDED WITH CONCRETE POLE BASE.

#### Photometric Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Codes
PARKING	+	2.6 fc	6.6 fc	0.8 fc	8.3:1	3.3:1	30-6.12(E)(4)(b)
GAS PUMP CANOPY	+	16.0 fc	24.4 fc	4.8 fc	5.1:1	3.3:1	30-6.12(D)(7)(a)
NEW ACCESS DRIVE	+	1.6 fc	4.1 fc	0.6 fc	6.8:1	2.7:1	30-6.12(E)(4)(b)
SIDEWALK	+	4.6 fc	9.3 fc	1.3 fc	7.2:1	3.5:1	30-6.12(E)(3)(a)
DUMPSTER	+	1.3 fc	1.6 fc	1.2 fc	1.3:1	1.1:1	30-6.12(E)(3)(d)
NORTH PROPERTY LINE	+	0.1 fc	1.6 fc	0.0 fc	N/A	N/A	30-6.12(D)(2)(b)(iv)
EAST PROPERTY LINE	+	0.4 fc	1.6 fc	0.0 fc	N/A	N/A	30-6.12(D)(2)(b)(iv)
SOUTH PROPERTY LINE	+	0.0 fc	0.0 fc	0.0 fc	N/A	N/A	30-6.12(D)(2)(b)(iv)
WEST PROPERTY LINE	+	0.0 fc	0.0 fc	0.0 fc	N/A	N/A	30-6.12(D)(2)(b)(iv)

### PHOTOMETRIC NARRATIVE

THE FOLLOWING IS INTENDED TO SERVE AS A DESIGN NARRATIVE FOR THE PHOTOMETRIC ANALYSIS AND SITE LIGHTING DESIGN. THIS DESIGN ENCOMPASSES LIGHTING FOR A PROPOSED COMMERCIAL BUILDING AND ASSOCIATED PARKING AREAS. THE SITE IS LOCATED SOUTH OF SW 20TH AVE AND WEST OF SW 52ND ST.

4 4 · · · ·

PROPOSED SITE LIGHTING IN VEHICULAR USE AREAS IS ACCOMPLISHED WITH PRIVATE POLE MOUNTED LED FIXTURES. SECURITY LIGHTING IS COMPRISED OF BUILDING MOUNTED, FULL CUT-OFF LED FIXTURES THAT WILL OPERATE FROM DUSK-TO-DAWN IN ACCORDANCE WITH 30-6.12(D)(1)(g).

LIGHT TRESPASS VALUES ARE WITHIN REQUIRED LIMITATIONS AT ALL POINTS.

OVERALL, THIS DESIGN PROVIDES SAFE LIGHTING FOR PATRONS WHILE CONFORMING WITH THE PROVISIONS OF 30-6.12 AND MINIMIZING IMPACT ON NEIGHBORING PROPERTIES.

1

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename
0	Н	12	Cree Inc	CAN-228-PS-xx-06-E-UL-700 or BXCTBxA06-UD	228 Series Recessed Canopy Luminaire, Petroleum Symmetric Distribution, 60 LEDs, 700mA, 5700K	60 Cree XP-G2 LEDs	1	CAN-228-PS 700_PL05294
ç	W	5	Cree Inc	XSPW-A-0-3-M-C-U-xxxx CONFIGURED FROM XSPW-A-0-3-30K-C-U-xxxx	CONFIGURED FROM Cree XSPW Series Wallpack Luminaire, Type III Medium, 3000K, C Input Power Designator	(4) MDA 1000 in single row	1	XSPW-A-0-3- xxxx_CONFI
o	С	4	Cree Inc	LR6-18L-40K-277V	Downlight with White Aluminum Housing and Diffuse Lens	CXA3050	1	IES File LR6- 277V.IES
Ţ	PL3	9	Cree Inc	BXSP2-HO-HT-3ME-165W-57K-UL w- XA-SP2BLS CONFIGURED FROM BXSP1- -HO-HT-3ME-100W-40K-UL w-XA- SP1BLS	CONFIGURED FROM XSP High Output Series, Single Module, Type III Medium Optic w/ backlight shield, 100W Lumen Pkg, 4000K CCT	CONFIGURED FROM 5 MDA	1	BXSP2-HO-H -UL W-XA- SP2BLS_CO
Ţ	PL4	2	Cree Inc	BXSP2-HO-HT-4ME-165W-57K-UL CONFIGURED FROM BXSP2-HO-HT- 4ME-165W-40K-UL	CONFIGURED FROM XSP2-HO Series, Type IV Medium Optic, 165W, 4000K CCT	CONFIGURED FROM Ten Cree MDA LEDs	1	BXSP2-HO-X -UL_CONFIG
\$	WH	4	CREE, INC.	SEC-EDG-4M-xx-06-E-UL-700-40K or BXSEx406E-UD7 (700mA)	CREE SECURITY EDGE LUMINAIRE, TYPE IV MEDIUM, 60 LEDS, 700MA, 4000K	SIXTY WHITE LIGHT EMITTING DIODES (LEDS), VERTICAL BASE-UP POSITION.	60	ITL78793_SE -E-UL-700-40

#### Luminaire Schedule for Photometrics

### FIXTURE SCHEDULE NOTES.

- FIXTURE TYPE 'H' IS A FULL CUT-OFF CANOPY MOUNT LED FIXTURE.
- FIXTURE TYPES 'W' AND 'WH' ARE FULL CUT-OFF, WALL MT LED FIXTURES. 2 FIXTURE TYPE 'C' IS A CEILING RECESSED LED FIXTURE.
- 3. 4. FIXTURE TYPES 'PL3' AND 'PL4' ARE FULL CUT-OFF LED FIXTURES, POLE MT @ 25' ABOVE GRADE.



	ILA
CALE: $1'' = 40'-0''$	



5. DUE TO THE FULL CUT-OFF NATURE OF ALL PROPOSED FIXTURES, THE LIGHT LEVELS AT 5FT ABOVE THE FIXTURE ARE 0.0FC BY DEFINITION IN ACCORDANCE WITH 30-6.12(D)(1)(b).

**E-1**