

ORDINANCE 17-03

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM AGRICULTURE (“A”) TO PLANNED DEVELOPMENT–RESIDENTIAL (“PD-R”) ON APPROXIMATELY 21.64 ACRES, LOCATED IN THE 12000 BLOCK OF NW 157TH STREET; EAST OF THE SAVANNAH STATION SUBDIVISION; NORTHEAST OF THE PILOT FOREST SUBDIVISION; AND SOUTH OF SHADY LANE ACRES, AN UNRECORDED SURVEY; TAX PARCEL NUMBERS 03974-004-000 AND 03974-005-000; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, an application for a Site-Specific Amendment to the Official Zoning Atlas (“Amendment”), as described below, has been filed with the City by Tara Village, Inc., a Florida corporation (“Owner/Developer”); and

WHEREAS, the Owner/Developer desires to obtain approval for a Planned Development (“PD”) in the City known as Tara Village Planned Development – Residential (“PD-R” or “Project”); and

WHEREAS, the Owner/Developer wishes to construct the Project, consisting of a 20 lot residential development on the subject property, the legal description for which is attached hereto as Exhibit “A” and is herein referred to as the “Property”; and

WHEREAS, the City concludes that the Project will create impacts on the surrounding streets requiring the construction of off-site facilities in order to offset the anticipated impacts of the Project; and

WHEREAS, the Owner/Developer acknowledges that the Project will create impacts on the surrounding streets requiring construction of off-site facilities in order to offset the impacts of the Project; and

WHEREAS, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on September 1, 2016; and

WHEREAS, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on September 13, 2016, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

WHEREAS, the City advertised public hearings to be held before the City Commission on November 17, 2016, and on February 2, 2017; and

WHEREAS, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on November 28, 2016, and February 13, 2017, and provided for and received public participation at both public hearings; and

WHEREAS, the City Commission has determined and found the proposed Amendment to be consistent with the City’s Comprehensive Plan and the City’s Land Development Regulations (“LDRs”); and

WHEREAS, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, the Alachua City Commission finds and declares that the enactment of this Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

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

Section 1. Findings of Fact and Conclusions of Law

1. The above recitals are true and correct and are incorporated herein by reference.
2. The proposed Amendment is in compliance with the City’s LDRs.

3. The proposed Amendment will not cause a reduction in the adopted level of service standards for transportation, water, sewer, waste, stormwater, recreation, and public schools.

Section 2. Official Zoning Atlas Amended

1. The Official Zoning Atlas is hereby amended from Agriculture (“A”) to Planned Development–Residential (“PD-R”) for Tax Parcel Numbers 03974-004-000 and 03974-005-000 (“Property”), in accordance with the legal description found in Exhibit “A” and map found in Exhibit “B” attached hereto and incorporated herein.

Section 3. Development Parameters

1. The development shall consist of the following Development Areas: Single-Family Residential (A); Circulation (B); and Common Area/Open Space (C). The density, intensity, allowable uses, acreage, and dimensional standards, where applicable, for each Development Area are as follows:

Development Area and Density	Allowable Uses	Permitted Intensity	Acres	Dimensional Standards	Percentage of PD
Single-Family Residential (A) <i>20 dwelling units</i>	Allowed Residential Uses within the PD-R Zoning District per Table 4.1-1 of the City’s LDRs, including Single-Family Detached	20 Dwelling Units	±13	Single-Family Detached Minimum Lot Area – 21,000 square feet Minimum Lot Width - 75 feet Setbacks: Front - 15 feet Side – 7.5 feet Rear - 30 feet Maximum Building Height - 45 feet Maximum Lot Coverage - 50%	±60%

Development Area and Density	Allowable Uses	Permitted Intensity	Acres	Dimensional Standards	Percentage of PD
Circulation (B) N/A	Roadways, Parking, Driveways, Bicycle & Pedestrian Pathways, and Supportive Infrastructure Improvements	N/A	±1.7	Streets with Curb and Gutter Minimum Right-of-Way Width - 50 feet Minimum Wearing Surface - 24 feet Streets with Swales Minimum Right-of-Way Width - 60 feet Minimum Wearing Surface - 24 feet	±9%
Common Area/ Open Space (C) N/A	Public or Private Parks, Recreational Trail, Resource- Based Recreation, Non-Intensive Communication/ Public Infrastructure	N/A	±6.9	N/A	±31%

2. The ingress/egress point to the Property defined in Exhibit “A” shall be located as depicted on the PD Master Plan. The design of the proposed roadway shall be consistent with the applicable standards of Article 7 of the City’s LDRs. The design of the proposed roadway shall be reviewed and approved as part of the subdivision review process as further defined in Section 2.4.10 of the City’s LDRs.

3. The Owner/Developer shall contribute funding in the amount of \$30,000 (“Contribution”) to a planned roadway improvement to apply surface treatment (i.e., “chip-sealing” or an asphaltic pavement surface) to NW 157th Street. The Contribution shall offset costs associated with the improvement of NW 157th Street from its intersection with County Road 235 to the southern boundary of the Project. The Owner/Developer shall provide the Contribution to the City upon the earliest of the following events:
 - a. Prior to Owner/Developer submitting Construction Plans pursuant to Section 2.4.10(G)(3) of the LDRs for any part of the Project; or
 - b. Two (2) months after the City Commission’s adoption of this Ordinance.
4. No development application for development on the Property shall be accepted by the City unless the Contribution has been made to the City.
5. If the City does not begin the roadway improvement to apply surface treatment (i.e., “chip-sealing” or an asphaltic pavement surface) to NW 157th Street within 24 months of the adoption of this Ordinance, the City shall return the Contribution to the Owner/Developer and the City shall not be under any obligation to construct these improvements to NW 157th Street. In the event the City does not begin this roadway improvement within 24 months and the City returns the contribution to the Owner/Developer, paragraph 4 above shall no longer apply to the Project. Thereafter, the Owner/Developer shall be responsible for complying with all required roadway improvements to NW 157th Street to meet the City’s Code of Ordinances, LDRs, or any other applicable criteria for any development on the Property.
6. The adoption of this Ordinance does not guarantee the approval of any development permits, including but not limited to, a Preliminary Plat, Construction Plans, or a Final Plat for the Project, or for any part or section thereof, for the Owner/Developer or its successors or assigns.
7. In order to provide for compatibility of the Project with the densities of contiguous and nearby properties, the Project’s development shall maintain a minimum 25 foot natural buffer along the

Project's property boundary lines. The natural buffer shall remain undisturbed in all areas and in its natural state, except where necessary to provide ingress/egress, stormwater management facilities, and/or utility service to the Project. Stormwater management facilities shall not be placed within the 25 foot natural buffer area along the eastern property boundary line or along the southern property boundary line of the Project, and shall only be placed within the 25 foot natural buffer area along the north property boundary line or west property boundary line if required to meet design constraints. Should stormwater management facilities be placed within the 25 foot natural buffer area, landscaping shall be planted along the perimeter of the stormwater management facility where adjacent to a property boundary line of the Project to meet the requirements of a Type D "Opaque" buffer as defined by the City's LDRs. Any landscaping as required by this section shall use trees from Appendix 6.2.2-A of the City's LDRs, Recommended Tree/Plant List.

8. The Project shall be subject to the following maximum densities/intensities:
 - a. A maximum of 20 single-family dwelling units shall be permitted within Development Area "Single Family Residential (A.)"
9. If any wetlands are identified on the Property defined in Exhibit "A", such areas shall be field-delineated using professionally accepted methodology. All development in and/or near wetland and conservation areas shall be consistent with the City's Comprehensive Plan and in compliance with the City's LDRs, as may be amended from time to time, and shall grant conservation easements or other appropriate protective mechanisms, as determined by the City, to protect wetlands and conservation areas.
10. Each new Final PD Plan shall be consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, as it may be amended from time to time, related to the eradication of invasive exotic plant species.

11. The Owner/Developer shall, concurrent with development of the Project, remove and destroy all Category I and II exotic plant species, as published in the most current version of the Florida Exotic Plant Council's List of Invasive Plant Species, located on the Property defined in Exhibit "A". Thereafter, the Owner/Developer shall assure long-term implementation of an exotic plants management plan approved with each new final development order and which shall be included in covenants and restrictions to be implemented by a properly structured property owner's association or other mechanism acceptable to the City.
12. The planting of any species identified in the most current version of the Florida Exotic Pest Plant Council's List of Invasive Plant Species shall be prohibited. Grasses and sods shall be certified free of noxious weeds by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.
13. The Owner/Developer shall utilize methods of minimizing impacts, such as appropriate Best Management Practices of the Suwannee River Water Management District, in order to reduce the potential for flash flooding, to avoid adverse impacts to water quality, and to incorporate existing drainage patterns to the greatest extent practicable. Upon approval from the City of Alachua and the Suwannee River Water Management District, enhancements may be permitted to the existing, natural conveyance system to mitigate for existing erosion and sedimentation, restoration of historical erosion and sedimentation damage, and preventing future adverse erosion and sedimentation.
14. The Owner/Developer shall submit a utility system plan as part of the Construction Plans for the Project.
15. Development on the Property defined in Exhibit "A" shall include the following requirements:
 - a. Any roadways that are to be dedicated to the City shall be designed to meet the standards established by Section 7.3.1 of the City's LDRs, or any amendment thereto.

- b. The Owner/Developer shall design, permit, and construct a stormwater management system necessary to serve the Project. Stormwater management facilities shall be constructed concurrent with development of the Project. Sufficient stormwater capacity for the Project consistent with Section 6.9.3 of the City's LDRs must be provided concurrent with site improvements of the Project. On-site soil shall be appropriately prepared so as to alleviate any drainage issues.
- c. Utilities shall be extended throughout the Project within areas designated as public right-of-ways, where practical. Utility infrastructure which must run outside the right-of-way, and which will be maintained by the City, shall be located in easements granting access and maintenance of such infrastructure.
- d. The Owner/Developer shall be responsible for the provision of infrastructure for the Project. This shall include all on-site improvements and off-site improvements, including but not limited to, transportation infrastructure improvements and/or modifications, deemed necessary to support the Project by the City, in the City's sole discretion.
- e. Facilities constructed on-site that are not dedicated to the City for maintenance shall be the responsibility of a legally established property owners' association. The property owners' association shall have the responsibility of maintenance of all common areas. In the event that common areas and required open space areas, as mandated by Sections 6.7.6, 6.9.3(E)(2), and 7.8.1 of the City's LDRs, or any amendments thereto, are not owned by a property owner's association, such areas shall be burdened by an easement that requires a property owner's association or another entity approved by the City to maintain such areas, and that restricts such areas in accordance with the City's requirements for such areas.

16. Electric System Requirements:

- a. The Owner/Developer shall be responsible to connect to the electric system to serve the Project.
 - b. Electric system design shall conform to National Electric Code regulations and National Electrical Contractors Association and National Electric Installation Standards guidelines for electric systems. The electric system design shall be performed by a professional engineer registered in Florida.
17. Water System Requirements:
- a. The Owner/Developer shall be responsible to design, permit, construct, and connect to potable water system to serve the Project.
 - b. Water systems shall be designed to provide fire flow rates that conform to the current standards of the Florida Fire Prevention Code, Chapter 633, Florida Statutes, and the Florida Building Code.
18. Wastewater System Requirements:
- a. The Owner/Developer shall be responsible to design, permit, and construct wastewater main extensions, and to design, permit, construct and connect to the wastewater system to serve the Project.
19. The Owner/Developer shall obtain all applicable permits from the Suwannee River Water Management District, the Florida Department of Environmental Protection, and/or any other Federal, State, or Local agency before the commencement of any development in the Project.
20. Each new Final PD Plan shall be a Preliminary Plat, and shall adhere to all requirements of this PD Ordinance, the City's Comprehensive Plan, and the City's LDRs. Each new Final PD Plan shall also adhere to all requirements of the PD Master Plan and the PD Agreement for this Project.

21. The Owner/Developer shall submit an open space plan as part of each new Final PD Plan. The open space plan shall meet the minimum requirements established by Section 6.7, *Open Space Standards*, of the City's LDRs, or any amendments thereto.
22. Open spaces and conservation areas shall account for a minimum of 31 percent of the complete Project and shall be located as depicted on the PD Master Plan.
23. Each new Final PD Plan shall include the exact number of residential units, as well as precise information regarding the layout of open space, circulation, and stormwater management.
24. Each new Final PD Plan shall contain detailed, quantitative, and site-specific standards regarding the location of any residential components, design standards, circulation scheme, parking facilities, utilities system design, open space design, landscaping, and stormwater management facilities, as applicable to the portion of the Project subject to each new Final PD Plan.
25. The development parameters defined herein do not inordinately burden the development of the Property defined in Exhibit "A".
26. The rezoning of the Property defined in Exhibit "A" does not reserve concurrency for the Project.
27. All development, including but not limited to new Final PD Plans for the Project, shall be governed by the laws, regulations, City's Comprehensive Plan, City's LDRs, and ordinances in effect at the time of the specific proposed development, and not as of the date of this Ordinance.

Section 4. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of Alachua, Florida.

Section 5. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 6. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 7. Effective Date

This Ordinance shall take effect immediately after its passage and adoption. The effective date of this Amendment shall be concurrent with the effective date of Ordinance 17-02. No development orders, development permit, or land uses dependent on this Amendment may be issued or commenced before this Amendment has become effective.

Passed on First Reading the 28th day of November 2016.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 13th day of February 2017.

**CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA**

Gib Coerper, Mayor

SEAL

ATTEST:

APPROVED AS TO FORM

Traci L. Cain, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT "A"

A tract of land situated in the NW $\frac{1}{4}$ of Section 27, Township 8 South, Range 18 East, Alachua County Florida, said tract of land being more particularly described as follows:

Commence at the Southwest corner of the aforementioned NW $\frac{1}{4}$ of Section 27, Township 8 South, Range 18 East for a point of reference and run North 01 deg. 12 min. 59 sec. East, along the West line of said Section 27, a distance of 1076.07 feet to an iron pipe and the True Point of Beginning; thence continue North 01 deg. 12 min. 59 sec. East along said West line a distance of 343.08 feet to an iron pipe, said iron pipe being 1229.42 feet South of the NW corner of said Section 27; thence run South 89 deg. 17 min. 43 sec. East parallel with the South line of said NW $\frac{1}{4}$, a distance of 1238.91 feet to a concrete monument on the Westerly right of way line of Interstate Highway No. 75 (300 foot right of way); thence run South 21 deg. 27 min. 14 sec. East along said Westerly right of way line, a distance of 748.32 feet to a concrete monument; thence run North 89 deg. 17 min. 43 sec. West, parallel with said South line, a distance of 904.67 feet to a concrete monument; thence run North 01 deg. 12 min. 59 sec. East, parallel with said West line of Section 27, a distance of 350.00 feet to a concrete monument; thence run North 89 deg. 17 min. 43 sec. West, parallel with said South line, a distance of 622.68 feet to the True Point of Beginning.

TOGETHER WITH:

A tract of land situated in Section 27, Township 8 South, Range 18 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at the Southwest corner of the Northwest $\frac{1}{4}$ of the aforementioned Section 27, Township 8 South, Range 18 East for the point of reference, and run North 01 deg. 12 min. 59 sec. East along the west line of said Section 27, a distance of 726.07 feet to an iron pipe and the true Point of Beginning; thence continue North 01 deg. 12 min. 59 sec. East, along said West line, a distance of 350.00 feet to an iron pipe, thence run South 89 deg. 17 min. 43 sec. East, parallel with the South line of said Northwest $\frac{1}{4}$ a distance of 622.68 feet to a concrete monument; thence run south 01 deg. 12 min. 59 sec. west, parallel with said west line, a distance of 350.00 feet to a concrete monument; thence run South 89 deg. 17 min. 43 sec. East, parallel with said South line, a distance of 277.80 feet to a concrete monument; thence run South 01 deg. 12 min. 59 sec. West, parallel with said west line, a distance of 726.07 feet to a concrete monument; said concrete monument lying on said South line; thence run North 89 deg. 17 min. 43 sec. West, along said South line, a distance of 600.32 feet to an iron pipe; thence run North 01 deg. 12 in. 59 sec. East, parallel with said West line, a distance of 726.07 feet; thence run North 89 deg. 17 min. 43 sec. West, parallel with said South line, a distance of 300.16 feet to the True Point of Beginning, containing 15.009 acres more or less.

Less that tract of land containing 5.003 acres more or less conveyed by warranty

deed dated December 15, 1981 and recorded in official records Book 1182, page 440, public records of Alachua County, Florida, and Less that tact of land containing 5.003 acres more or less conveyed by Warranty deed dated October 16, 1981, recorded in Official Record Book 1386, page 379, public records of Alachua County, Florida.

EXHIBIT "B"

