

ORDINANCE 22-07

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM AGRICULTURAL (“A”)(ALACHUA COUNTY) AND AGRICULTURAL (“A”) TO PLANNED DEVELOPMENT – RESIDENTIAL (“PD-R”) (±155.50 ACRES) AND COMMUNITY COMMERCIAL (“CC”)(±7.00 ACRES) ON APPROXIMATELY ± 162.5 ACRES; LOCATED SOUTHEAST OF THE INTERSECTION OF US HIGHWAY 441 AND NW 188TH STREET; CONSISTING OF TAX PARCEL NUMBERS 03046-003-001, 03046-003-002, 03046-003-003, 03046-003-004, 03046-002-005, 03042-050-004, 03042-050-005, 03875-001-001, 03875-010-001, 03875-010-002, AND A PORTION OF 03046-003-000; 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 JTFA, LLC , a Florida corporation, and Kevin and Shima Carter, (“Owners”); and

WHEREAS, the Owners desire to obtain approval for a Planned Development (“PD”) in the City known as NW 188th Stree/US 441 Planned Development (“PD-R” or “Project”); and

WHEREAS, the Owner wishes to construct the Project, consisting of a maximum of 275 residential units 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 advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on _____; and

WHEREAS, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on _____, 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 _____ and on _____ and

WHEREAS, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on _____, and _____, 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

The Official Zoning Atlas is hereby amended from Agricultural ("A")(Alachua County) and Agricultural ("A") to Planned Development-Residential ("PD-R") and Community Commercial ("CC") for Tax Parcel Numbers 03046-003-001, 03046-003-002, 03046-003-003, 03046-003-004, 03046-002-005, 03042-050-004, 03042-050-005, 03875-001-001, 03875-010-001, 03875-010-002, and a portion of 03046-003-000 ("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

The development within the Area zoned PD-R shall consist of single-family residential development, community recreation, and stormwater/open space development areas as shown on the PD Master Plan. The density, intensity, allowable uses, acreage, and dimensional standards, where applicable, for each Development Area are as follows:

1. The development shall consist of single-family detached, community recreation, and stormwater/open space development areas as shown on the PD Master Plan. The density, intensity, allowable uses, acreage, and dimensional standards, where applicable, for each Development Area are as follows:

Maximum Development Area & Density/Intensity	Allowable Uses ¹	Maximum Potential Development	Acres	Dimensional Standards	Percentage of PD
Lot Development Area 3.16 du/acre	Single Family Detached Residential on Platted Lots, Community Amenity Center, Pedestrian Pathways, Stormwater Drainage Areas	275 dwelling units	±87.00	<i>Minimum Lot Area</i> <ul style="list-style-type: none"> 10,000 square feet 14,520 square feet where noted on PD Master Plan 21,780 square feet where noted on PD Master Plan <i>Minimum Lot Width</i>	±56.00%

Maximum Development Area & Density/ Intensity	Allowable Uses ¹	Maximum Potential Development	Acres	Dimensional Standards	Percentage of PD
				<p>50 feet</p> <p><i>Setbacks</i> Front (Primary) = 20' Side = 7.5' Rear=15'</p> <p><i>Maximum Building Height</i> 65 feet</p> <p><i>Maximum Lot Coverage</i> 40%</p> <p><i>Minimum Parking Spaces</i> Residential: 2 per unit for dwelling units</p> <p><i>Minimum Separation</i> Amenity Center and all associated structures or outdoor activities shall not be located within 250' of the NW 188th Street property boundary</p>	
Common Area/ Stormwater/ Open Space o du/acre	Common Area, Utilities, Pedestrian Pathways, Community Amenity Center, Signage, Stormwater Drainage Areas	Amenity Center: 4,000 square feet of floor area	±48.8	<p><i>Setbacks</i> Amenity Center Front (Primary) = 20' Side = 10' Rear=10'</p> <p><i>Minimum Parking Spaces</i> Amenity Center: 1 space per 500 square feet of floor area and 1 space per 1,500 square feet of outdoor activity area</p> <p>c</p>	±31.00%
Right-of-Way o du/acre	Roadways, Utilities, Parking, Driveways, Bicycle & Pedestrian	N/A	±15.9	Streets	13.00%

Maximum Development Area & Density/ Intensity	Allowable Uses ¹	Maximum Potential Development	Acres	Dimensional Standards	Percentage of PD
	Pathways, Signage, and Supportive Infrastructure Improvements			Minimum Right-of-Way Width - 50 feet Minimum Wearing Surface - 24 feet	

2. The Project shall be developed in up to five phases. The Planned Development Ordinance and Agreement shall be valid for 10 years from the date of final approval by City Commission. A connection to US 441 shall be made with first phase.
3. The applicant shall provide a listed species and habitat survey as part of any Final PD Plan for the Project. The survey shall document if any listed species are observed on the Property. If a listed species is observed on the Property, the updated survey shall provide recommendations to address potential impacts to the listed species and to identify any permitting requirements of any local, State, or Federal governmental agencies. Any submitted listed species and habitat survey shall be acceptable to the City for a period of no more than three years from the original date of the survey.
4. If any wetlands are identified on the Property described in Exhibit “A”, such areas shall be field-delineated using professionally accepted methodology. All development in and/or near wetland 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 wetland areas. Any submitted wetlands delineation shall be acceptable to the City for a period of no more than three years from the original date of the delineation.
5. All Final PD Plans shall be consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, as it may be amended from time to time, including, but not limited to those Goals, Objectives, and Policies related to the eradication of invasive exotic plant species.
6. The Owner, or its successors and/or assigns, 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 described in Exhibit “A”. Thereafter, the Owner, or its successors and/or assigns, shall assure long-term implementation of an exotic plants management plan approved with the 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.
7. 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.

8. The Owner, or its successors and/or assigns, 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.
9. A Final PD Plan consists of development requiring Preliminary Plat (single family detached on platted lots) or Site Plan (single family detached on unplatted lands) review. The Owner, or its successors and/or assigns, shall submit a utility system plan as part of the Construction Plans for the proposed subdivision or site plan.
10. Development on the Property described in Exhibit “A” shall be consistent with PD Master Plan for the Project, and includes the following requirements:
 - a. The ingress/egress points to the Property described in Exhibit “A” shall be located as depicted on the PD Master Plan. The design of all proposed roadways shall be consistent with the applicable standards of Article 7 of the City’s LDRs and the City’s Design and Construction Requirements (latest edition at the time of review of Construction Plans) and the PD Master Plan drawing. The design of the proposed roadway shall be reviewed and approved as part of Construction Plans submitted for the subdivision review process, as further defined in Section 2.4.10 of the City’s LDRs.
 - b. The Owner, or its successors and/or assigns, shall design, obtain all applicable permits, and construct a stormwater management system necessary to serve the development. Stormwater management facilities shall be constructed concurrent with development of the Project. Sufficient stormwater capacity 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 approved and accepted by the City granting access and maintenance of such infrastructure.
 - d. The Owner, or its successors and/or assigns, shall be responsible for the provision of infrastructure for the Project. This shall include all on-site improvements and off-site improvements, including transportation infrastructure improvements, deemed necessary to support the development by the City in the City’s sole discretion. Offsite improvements, including transportation infrastructure improvements deemed necessary by the City, shall be consistent with City’s Comprehensive Plan and Land Development Regulations in existence at the time of the proposed development requiring the infrastructure, and shall be supported by appropriate data and analysis that identifies a specific impact from the proposed development. If offsite improvements are required by the City, it shall be limited to the areas or infrastructure impacted by the proposed development. The data and analysis used to justify the requirement for offsite improvements will be provided by traffic study data, reports, or other infrastructure analysis that identifies the development’s impact on the affected infrastructure, and determines a reasonable

proportional impact from the proposed development. The data and analysis will be provided by the Developer and reviewed by the City. The Developers shall pay for any consultants or experts the City deems necessary to review the data and analysis provided by the Developer.

- 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.
 - f. No construction vehicles shall access the subject property from NW 188th Street during development of the property.
 - g. Amenity Center and any associated parking or outdoor component such as a playground or pool shall be setback a minimum of 250' from the NW 188th Street right-of-way boundary line.
11. Electric System Requirements:
- a. The Owner, or its successors and/or assigns, shall be responsible for all costs associated with connection to the electric system of the electric service provider as necessary to serve the Project.
12. Water System Requirements:
- a. The Owner, or its successors and/or assigns, shall be responsible for all costs associated with connection to the City's potable water system as necessary 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.
13. Wastewater System Requirements:
- a. The Owner, or its successors and/or assigns, shall be responsible to design, permit, and construct wastewater main extensions and any other improvements, including but not limited to any lift station required and necessary to serve the Project.
14. Pedestrian and Street Improvements:
- a. The Owner, or its successors and/or assigns, shall be responsible to design, obtain all applicable permits, and construct all pedestrian and street improvements in accordance with Section 7.3, *Required Improvements*, Section 7.2.3, *Block Standards*, and any other pertinent section of the City's LDRs subject to the following:
 - i. Block lengths may exceed 600 feet when all of the following conditions are met:
 - 1. An easement permitting pedestrian access through blocks longer than 600 feet is provided. This easement shall be a minimum of 10 feet in width and recorded in the Public Records of Alachua County.

2. Where these means of pedestrian access intersect with any rights-of-way, a pedestrian crossing shall be provided across the right-of-way that includes one or more of the following elements intended to serve as traffic calming and clearly delineate pedestrian space: change in materials, bulb-outs, or a raised pedestrian crossing.
 3. Any easement intended for pedestrian access through a block shall be improved with concrete, brick pavers, asphalt or similar hard material.
 4. In no instance, shall a block length or length of travel through an easement exceed 900 feet.
 - ii. Pavement widths may not be less than 24 feet.
 - iii. A minimum 5 foot wide sidewalk shall be provided on both sides of all public streets.
 - b. An easement shall be provided granting access for the subject property to US Highway 441. This easement shall be approved and recorded prior to approval of any final/second reading for this rezoning.
 - c. Access point to NW 188th Street shall be designated as emergency access only, but shall be paced and designed to have a minimum paved width of 20'. Provided gate shall be constructed of wood, vinyl, wrought iron, or similar material. Gate shall not be constructed of chain link, chicken wire, barbed wire, or similar materials. A gated or ungated pedestrian access may be provided granted it is designed not to be accessible by vehicular traffic.
 - d. A traffic impact analysis shall be provided at time of any Final PD plan submitted for the development.
15. The Owner, or its successors and/or assigns, shall submit a landscaping and buffering plan as part of any Final PD Plan. The landscaping and buffering plan shall meet the requirements established by the adopted PD Master Plan, Section 6.2.2, Landscaping Standards or Section 6.3, Fencing Standards, of the City's LDRs, or any amendments thereto.
 16. The Owner, or its successors and/or assigns, shall submit an open space plan as part of any 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.
 17. Open spaces and conservation areas shall account for a minimum of ten percent (10%) of the complete project.
 18. The Owner, or its successors and/or assigns, shall obtain all applicable permits from the Suwannee River Water Management District, Alachua County Public Works, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Commission, and any other Federal, State, or Local agency before the commencement of any development in the Project.
 19. The Final PD Plan shall be a Preliminary Plat for single-family detached, the City's Comprehensive Plan, and the City's LDRs. The Final PD Plan shall also adhere to all requirements of the PD Master Plan and the PD Agreement for this Project.
 20. Any Final PD Plan shall include the exact number of residential dwelling units, as well as precise information regarding the layout of open space, circulation, and stormwater management.

21. A valid Planned Development Agreement shall be adopted concurrent with the approval of this ordinance and the PD Master Plan.
22. The development parameters defined herein do not inordinately burden the development of the Property described in Exhibit “A”, the PD, or the Project.
23. The rezoning of the Property described in Exhibit “A” does not reserve concurrency for the Project.
24. The adoption of this Ordinance does not guarantee the approval of any development permits, including but not limited to, a Preliminary Plat, Construction Plans, Site Plan or a Final Plat for the Project, or for any part or section thereof, for the Owner/Developer or its successors or assigns.
25. All development, including but not limited to any Final PD Plan for the Project, shall be governed by the laws, regulations, comprehensive plan 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 with this ordinance are, to the extent they conflict with this ordinance, repealed.

Section 6. Providing for Severability

It is the declared intent of the Alachua City Commission 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 a 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 this ordinance, after the exclusion of such part or parts, shall be deemed to be valid.

Section 7. Effective Date

This Ordinance shall be effective upon its passage and adoption on the second and final reading.

PASSED on first reading on the ____ th day of ____, 20__.

PASSED and **DULY ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second reading this ____ day of ____, 20__.

(Signatures next page)

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

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Mike DaRoza , City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

LEGAL DESCRIPTION (PD-R):

LEGAL DESCRIPTION

Planned Development – Residential (PD-R)

A portion of Sections 8 and 17, Township 8 South, Range 18 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southwest corner of Section 8, Township 8 South, Range 18 East, Alachua County, Florida and run thence North 87°26'33" East, along the South line of said Section 8, a distance of 30.03 feet to the Point of Beginning; thence continue North 87°26'33" East, along said South line, 1048.29 feet to a point on the centerline of the abandoned Atlantic Coastline Railroad 200' Right-of-Way; thence northwesterly along said centerline through the following 4 courses: 1) North 43°09'42" West, 399.88 feet; 2) North 32°00'43" West, 291.19 feet; 3) North 39°33'23" West, 130.38 feet; 4) North 65°09'00" West, 336.94 feet to a point on the East Right-of-Way line of N.W. 188th Street (100' Right-of-Way); thence North 06°11'34" West, along said East Right-of-Way line, 79.74 feet to a point lying on the arc of a curve, concave easterly, having a radius of 2241.73 feet; thence northerly, along said East Right-of-Way line and along the arc of said curve, through a central angle of 04°39'30", an arc distance of 193.32 feet, said arc being subtended by a chord, having a bearing and distance of North 03°43'31" West, 193.46 feet; thence North 01°12'11" West, along said East Right-of-Way line, 373.80 feet to a point lying on the arc of a curve, concave westerly, having a radius of 2341.73 feet; thence northerly, along said East Right-of-Way line and along the arc of said curve, through a central angle of 05°00'03", an arc distance of 204.38 feet, said arc being subtended by a chord, having a bearing and distance of North 03°43'11" West, 204.32 feet; thence North 06°12'32" West, along said East Right-of-Way line, 603.83 feet; thence South 88°25'34" East, 1067.92 feet; thence South 80°43'36" East, 1038.41 feet; thence South 05°28'46" East, 637.00 feet; thence North 88°18'49" East, 491.25 feet; thence South 05°28'46" East, 2646.72 feet to a point on the South line of the North 1/4 of Section 17, Township 8 South, Range 18 East; thence South 87°27'46" West, along said South line of the North 1/4, a distance of 363.44 feet to a point on said centerline of the abandoned Railroad Right-of-Way, said point lying on the arc of a curve, concave northeasterly, having a radius of 1903.23 feet; thence northwesterly, along said centerline of the abandoned Railroad Right-of-Way and along the arc of said curve, through a central angle of 26°22'38", an arc distance of 876.38 feet, said arc being subtended by a chord having a bearing and distance of North 47°05'05" West, 868.66 feet; thence North 33°53'26" West, along said centerline of the abandoned Railroad Right-of-Way, 387.32 feet to a point on the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 17; thence South 03°10'33" East, along said East line of the Northwest 1/4 of the Northwest 1/4, a distance of 167.35 feet; thence South 87°25'30" West, 1199.80 feet; thence North 82°03'26" West, 64.91 feet to a point on said East Right-of-Way line of N.W. 188th Street; thence North 03°27'31" West, along said East Right-of-Way line, 316.34 feet to the Point of beginning.

Containing 155.50 Acres (6,773,363 Square Feet), more or less.

EXHIBIT “A”

LEGAL DESCRIPTION (CC):

LEGAL DESCRIPTION

Community Commercial (CC)

A portion of Section 8, Township 8 South, Range 18 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southwest corner of Section 8, Township 8 South, Range 18 East, Alachua County, Florida and run thence North 06°12'57" West, along the West line of Section 8, Township 8 South, Range 18 East, Alachua County, Florida, a distance of 856.89 feet to a point on the centerline of the abandoned Atlantic Coastline Railroad 200' Right-of-Way; thence South 65°27'27" East, along said centerline, 58.16 feet to a point on the East Right-of-Way line of N.W. 188th Street (100' Right-of-Way); thence North 06°11'54" West, along said East Right-of-Way line, 79.74 feet to a point lying on the arc of a curve, concave easterly, having a radius of 2241.75 feet; thence northerly, along said East Right-of-Way line and along the arc of said curve, through a central angle of 04°59'50", an arc distance of 195.52 feet, said arc being subtended by a chord, having a bearing and distance of North 03°43'31" West, 195.46 feet; thence North 01°12'11" West, along said East Right-of-Way line, 373.80 feet to a point lying on the arc of a curve, concave westerly, having a radius of 2341.75 feet; thence northerly, along said East Right-of-Way line and along the arc of said curve, through a central angle of 05°00'03", an arc distance of 204.38 feet, said arc being subtended by a chord, having a bearing and distance of North 03°43'11" West, 204.32 feet; thence North 06°12'52" West, along said East Right-of-Way line, 1105.48 feet to a point on the South Right-of-Way line of State Road No. 25 (U.S. Highway No. 441); thence South 79°04'33" East, along said South Right-of-Way line, 1108.86 feet to the Point of Beginning; thence continue South 79°04'33" East, along said South Right-of-Way line, 1049.44 feet; thence South 05°28'46" East, 287.66 feet; thence North 80°43'36" West, 1038.41 feet; thence North 05°56'09" West, 319.61 feet to the Point of Beginning.

Containing 7.00 Acres (304,927 Square Feet), more or less.

EXHIBIT “B”

