

ORDINANCE 22-19

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”) AND AGRICULTURAL (“A”)(ALACHUA COUNTY) TO PLANNED DEVELOPMENT – RESIDENTIAL (“PD-R”) ON APPROXIMATELY 51.7; LOCATED SOUTH OF PEGGY ROAD AND LEGACY PARK, EAST OF INTERSTATE – 75, NORTH OF THE CSX RAILWAY RIGHT-OF-WAY; TAX PARCEL NUMBERS 03924-000-000, 03865-000-000, AND 03917-200-002; 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 William and Margaret Kirkland (“Owners”); and

WHEREAS, the Owners desire to obtain approval for a Planned Development (“PD”) in the City known as Peggy Road Planned Development (“PD-R” or “Project”); and

WHEREAS, the Owner wishes to construct the Project, consisting of a maximum of 155 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 June 30, 2022; and

WHEREAS, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on July 12, 2022, 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 July 14, 2022 and on September 15, 2022; and

WHEREAS, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on August 8, 2022, and September 26, 2022, 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") and Agricultural ("A")(Alachua County) to Planned Development-Residential ("PD-R") for Tax Parcel Numbers 03924-000-000, 03865-000-000 and 03917-200-002 ("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 shall consist of single-family residential development, and common area/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, single family attached, 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
Development Area 'Residential Lot Area' 8 du/acre	Single Family Detached Residential on Platted Lots, Stormwater Drainage Areas	155 dwelling units	±21	<i>Minimum Lot Area</i> 5,500 square feet <i>Minimum Lot Width</i> 50 feet <i>Setbacks</i>	±40.00%

Maximum Development Area & Density/ Intensity	Allowable Uses ¹	Maximum Potential Development	Acres	Dimensional Standards	Percentage of PD
				Front (Primary) = 20' Side = 5' Rear = 15'	
Development Area 'Common Area/Stormwater/ Open Space' 0 du/acre	Active and Passive Recreation, Landscaping, Utilities, Stormwater Management Facilities	NA	±25	Stormwater Management Facilities 5' from property lines Pedestrian Trails (Paved or Unpaved) 7.5' from property lines	±48%
Development Area 'Right-of-Way' 0 du/acre	Roadways, Utilities, Parking, Driveways, Bicycle & Pedestrian Pathways, Signage, and Supportive Infrastructure Improvements	N/A	±6	Streets Minimum Right-of-Way Width – 50 feet Minimum Wearing Surface – 24 feet FDOT Type F Curb and Gutter 5' minimum sidewalk on both sides of all streets	±12%

Maximum Development Area & Density/Intensity	Allowable Uses ¹	Maximum Potential Development	Acres	Dimensional Standards	Percentage of PD

2. The Project shall be developed in one or more phases. The Planned Development Ordinance and Agreement shall be valid for 10 years from the date of final approval by City Commission.
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) 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. Shifts of less than 50' shall be permitted as minor deviations from the approved PD Master Plan per Section 2.4.3 (D)(8) 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.

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 or common area permitting pedestrian access through blocks longer than 600 feet is provided. This easement or common area shall be a minimum of 20 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 1000 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.
15. If a roadway improvement is required by Alachua County as part of its review process, the applicant shall include a crosswalk across Peggy Road and 50' of sidewalk on either side of the crosswalk landing on the north side of Peggy Road. Alternatively to extending sidewalk along Peggy Road 50' in both directions, a connection to the internal sidewalk system at Hal Brady Recreation Complex/ Legacy Park may be made.
16. 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.
17. 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.
18. Open spaces and conservation areas shall account for a minimum of ten percent (10%) of the complete project.
19. 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.
20. 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.
21. 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.

22. A valid Planned Development Agreement shall be adopted concurrent with the approval of this ordinance and the PD Master Plan.
23. The development parameters defined herein do not inordinately burden the development of the Property described in Exhibit "A", the PD, or the Project.
24. The rezoning of the Property described in Exhibit "A" does not reserve concurrency for the Project.
25. 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.
26. 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 8th day of August , 2022.

PASSED and **DULY ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second reading this 26th day of September, 2022.

(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”

Tax Parcel Numbers 03924-000-000, 03865-000-000 and 03917-200-002

LEGAL DESCRIPTION:

Legal Description

Commence at a point South of the Seaboard Air Line Railroad in Lot One (1) of Section Twenty-two (22) Township Eight (8) South Range Eighteen (18) East, where the East line of the William Garvin Grant intersects the Right-of-way, run Southwest along the Grant line to where Subdivision line intersects the Right-of-way of the Atlantic Coast Line Railroad, thence Northeast along the Right-of-way 1109 feet; thence North 1074 feet to beginning. Lying and being in Section Twenty-two (22), Township Eight (8) South, Range Eighteen (18) East; and containing 9 acres, more or less.

Also, all that part of Lots Ten (10) and Eleven (11) South of the Seaboard Air Line Railroad in the William Garvin Grant, containing 40 acres, more or less. According to the plat of J.C. Sheffield's Subdivision of the South 600 acres of the said Garvin Grant, as recorded in Plat Book "A", Page 60 of the Public Records of Alachua County, Florida.

Also, Lots One (1) and Two (2) of Block Two (2); and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7) of Block Three (3) of Alachua Realty Company's Subdivision of a part of Lot One (1) of Section Twenty-two (22) Township Eight (8) South, Range Eighteen (18) East, according to a survey made by A.W. Taylor and recorded in Plat Book "A" page 106 of the public Records of Alachua County, Florida.

Together with:

A parcel of land lying in Section 22, Township 8 South, Range 18 East, Alachua County, Florida, being that portion of the lands described in Official Records Book 1895, page 2500 of the Public Records of said Alachua County, Florida, lying West of the northerly extension of the West line of a 40 foot wide platted right-of-way as shown on the plat of "Alachua Realty Company Subdivision" as per plat thereof recorded in Plat Book "A", Page 106 of said Public Records, Less an portion lying within the Maintained Right of Way of County Road No. 2054 (Peggy Road) and being more particularly describes as follows:

Commence at a 5/8" rebar and cap (LB 2903) at the northwest corner of Lot 1, Block 2 of said "Alachua Realty Company Subdivision" and the southwest corner of said lands described in Official Records Book 1895, page 2500 for the Point of Beginning; thence run North 02°08'31" West, along the West line of said lands, a distance of 83.27 feet to a 5/8" rebar (no identification) on the southerly Maintained Right of Way Line of said Peggy Road; thence run North 59°29'24" East, along said southerly Maintained Right of Way Line, a distance of 234.80 feet to a 5/8" rebar and cap (PSM 6602) at the intersection with said northerly extension of the West line of a platted 40 foot Right of Way as shown on said "Alachua Realty Company Subdivision"; thence run South 02°08'31" East, along said northerly extension, a distance of 78.43 feet to a 3/4" iron pipe (no identification) at the northeast corner of said Lot 1, Block 2, lying on the South line of the former CSX Transportation, Inc.'s Operating Property, and on the South line of said lands described in Official Records Book 1895, page 2500; thence run South 58°27'44" West, along the North line of said Lot 1, Block 2, and the South lines of said former CSX Property and said lands, a distance of 237.13 feet to the Point of Beginning.

Together with:

A portion of a 40' Road Right-of-Way as shown on the plat of "Alachua Realty Co Subdivision of a Part of Lot 1 of Sec' 22, Tp 8 S, R 18 E", recorded in Plat Book "A", page 106 of the Public Records of Alachua County, Florida; being more particularly described as follows:

Begin at the northeast corner of Lot 1, Block 3 of "Alachua Realty Co Subdivision of a Part of Lot 1 of Sec' 22, Tp 8 S, R 18 E", recorded in Plat Book "A", page 106 of the Public Records of Alachua County, Florida and run thence West, along the north line of Lots 1 and 2 of said Block 3 and along the south Right-of-Way line of a 40 foot wide road Right-of-Way, 415 feet to the northwest corner of said Lot 2 of Block 3; thence North, 40 feet to the southwest corner of Lot 2 of Block 2 of said "Alachua Realty Co Subdivision of a Part of Lot 1 of Sec' 22, Tp 8 S, R 18 E"; thence East, along the south line of Lots 2 and 1 of said Block 2 and along the north Right-of-Way line of said 40 foot wide road Right-of-Way, 415 feet to the southeast corner of said Lot 1 of Block 2; thence South, 40 feet to the Point of Beginning.

