

**ORDINANCE 19-28**

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM PLANNED UNIT DEVELOPMENT (“PUD”) AND AGRICULTURAL (“A”) (ALACHUA COUNTY) TO PLANNED DEVELOPMENT – RESIDENTIAL (“PD-R”) ON APPROXIMATELY 50.45 ACRES; LOCATED NORTH OF COLLEGE HEIGHTS, EAST OF LINCOLN GARDENS, WEST OF NEWNANSVILLE AND SOUTH OF STATE ROAD 235; TAX PARCEL NUMBERS 03135-000-000, 03130-004-000, 03130-007-001, 03130-008-000 AND 03130-009-000; 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 Bentley Timber, LLC., a Florida corporation (“Owner”); and

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

**WHEREAS**, the Owner wishes to construct the Project, consisting of a maximum of 160 residential units and 22,000 square feet of non-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 advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on May 2, 2019; and

**WHEREAS**, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on May 14, 2019, 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 May 30, 2019, and on June 13, 2019 and

**WHEREAS**, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on June 10, 2019, and June 24, 2019, 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 Planned Unit Development ("PUD") and Agriculture (Alachua County) to Planned Development–Residential ("PD-R") for Tax Parcel Numbers 03135-000-000, 03130-004-000, 03130-007-001, 03130-008-000 and 03130-009-000 ("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 shall consist of single-family and multiple-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 and multiple-family residential development, community recreation, non-residential uses 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	Maximum Potential Development	Acres	Dimensional Standards	Percentage of PD
Development Area 'A'  4du/acre	Single Family Detached Residential	120 dwelling units	±18.03	<i>Minimum Lot Area</i> 4,500 square feet  <i>Minimum Lot Width</i> 50 feet  <i>Minimum Lot Depth</i> 75 feet  <i>Setbacks</i> Front (Primary) = 10' Front (Secondary/Side Street) = 10' Side = 5'	±35.80%

Maximum Development Area & Density/ Intensity	Allowable Uses	Maximum Potential Development	Acres	Dimensional Standards	Percentage of PD
				Rear=10' Rear when adjacent to alley=17'  <i>Maximum Building Height</i> 45 feet <i>Maximum Lot Coverage</i> 60%  <i>Arterial Street Building Setback</i> 75' from ROW Centerline of SR 235  <i>Minimum Living Area</i> 750 square feet (per dwelling unit)	
Development Area 'B'  4du/acre .75 FAR	Single Family Detached Residential; Single Family Attached Residential; Multiple Family Residential; Daycare; Religious Institutions; Restaurants without a Drive-Through; Community Buildings/ Clubhouse; Professional Office; Neighborhood Recreation Center; Commercial Recreation, Indoor	40 dwelling units 20,000 square feet nonresidential	±3.75	<i>Minimum Lot Area</i> 800 square feet <i>Minimum Lot Width</i> 20 feet  <i>Minimum Lot Depth</i> 40 feet <i>Setbacks</i> Front (Primary) = 0' Front (Secondary) = 0' Side = 0' Rear=0'  <i>Maximum Building Height</i> 45 feet <i>Maximum Lot Coverage</i> 90%  <i>Arterial Street Building Setback</i> 75' from ROW Centerline of SR 235  <i>Minimum Living Area</i> 750 square feet (per dwelling unit)	±7.40%
Common Area ('C')	Utility Systems, Stormwater Management	2,000 square feet non-residential	±14.39	N/A	±28.50%

Maximum Development Area & Density/Intensity	Allowable Uses	Maximum Potential Development	Acres	Dimensional Standards	Percentage of PD
N/A	Systems, Pervious and Impervious Pedestrian Trails, Recreational Facilities, Commons Building/ Clubhouse, Park Structures, Gazebos, Picnic Pavilions				
Wetland and Wetland Buffer Buffer ('D')	Roadways, Pedestrian Crossings, Pervious Trails	N/A	±5.80	N/A	11.5%
N/A					
Rights-of-Way ('E')	Roadways, Utilities, Parking, Driveways, Bicycle & Pedestrian Pathways, Signage, and Supportive Infrastructure Improvements	N/A	±8.48	<b>Streets with Curb and Gutter</b>  Minimum Right-of-Way Width - 50 feet  Minimum Wearing Surface - 20 feet  <b>Streets with Swales</b>  Minimum Right-of-Way Width - 60 feet  Minimum Wearing Surface - 24 feet  <b>Alleys</b>  Minimum Right-of-Way/Easement Width – 22 feet  Minimum Wearing Surface - 12 feet	16.8%
N/A					

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. Area A may be served by one connection to either NW 158<sup>th</sup> Avenue or Hipp Way until a total of 60 or more lots are approved by Final Plat. For any lots or development proposed after the approval of 60 or more lots, the secondary access to either NW 158<sup>th</sup> Avenue, Hipp Way, or State Road 235 must be provided. Area B shall be served by one or more connections to State Road 235.
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 review (single-family detached or single-family attached residential development), or site plan review (multiple family residential development or non-residential development). The Owner, or its successors and/or assigns, shall submit a utility system plan as part of the Construction Plans for the proposed subdivision.
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.

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. Where these pedestrian access easements intersect with any common area, a trail or path must be provided that connects in at least one location with another pedestrian access easement or sidewalk located in the right-of-way.
    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 20 feet, except for alleys, which may not be less than 12 feet.

- iii. A pedestrian trail of not less than 8' shall be located throughout the project area as depicted on the PD Master Plan. The neighborhood trail may be constructed of pervious or impervious materials or a combination of such materials.
  - b. The Owner, or its successors and/or assigns, may be responsible for such improvements to NW 135<sup>th</sup> Terrace, NW 158<sup>th</sup> Avenue, and Hipp Way as determined to be necessary by City of Alachua Public Services to serve the Project. 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.
- 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. 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 as depicted on the PD Master Plan. 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, or to remove dead or dying vegetation or exotic plant species, or to plant landscaping necessary to restore or improve the project landscape buffers.
  - 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 or attached residential development and a Site Plan for multiple family residential or non-residential development, and shall adhere to all requirements of this PD Ordinance, 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, 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 10<sup>th</sup> day of June, 2019.

**PASSED** and **DULY ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second reading this 24<sup>th</sup> day of June, 2019.

(Signatures next page)

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

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Gib Coerper, Mayor  
**SEAL**

**ATTEST:**

**APPROVED AS TO FORM**

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Adam Boukari , City Manager/Clerk

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Marian B. Rush, City Attorney

## EXHIBIT “A”

Tax Parcel Numbers 03135-000-000, 03130-004-000, 03130-007-001, 03130-008-000 and 03130-009-000

### LEGAL DESCRIPTION:

That part of the Southwest 1/4 and Southeast 1/4 of Section 11, Township 8 South, Range 18 East, Alachua County, Florida, comprised of lands described in O.R.B. 4427, Pg. 373 and O.R.B. 4564, Pg. 460 and O.R.B. 4564, Pg. 462, as recorded in the Public Records of Alachua County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of the Southeast 1/4 of the Southwest 1/4 of Section 11, Township 8 South, Range 18 East, Alachua County, Florida, said Southeast 1/4 corner being also the POINT OF BEGINNING; thence South 89 degrees 12 minutes 14 seconds West along the South line of said Southeast 1/4 of the Southwest 1/4 for 1496.73 feet to the Southwest corner of said Southeast 1/4 of the Southwest 1/4; thence North 00 degrees 06 minutes 04 seconds West along the West line of said Southeast 1/4 of the Southwest 1/4 for 1343.16 feet to the Northwest corner of said Southeast 1/4 of the Southwest 1/4; thence continue North 00 degrees 06 minutes 04 seconds West, along said West line for 65.44 feet to a point on the South right of way line of State Road number 235 (100 foot Wide Right-of-Way); thence North 89 degrees 25 minutes 36 seconds East, along said Right-of-Way for 621.33 feet to the Northeast corner of the "Cain" parcel, as per description recorded in Official Records Book 2015, Page 694 of said Public Records; thence South 00 degrees 21 minutes 14 seconds West along the East line of said "Cain" parcel for 67.55 feet to the Southeast corner of said "Cain" parcel and an intersection with the North line of the Southeast 1/4 of the Southwest 1/4; thence North 89 degrees 37 minutes 50 seconds East along said North line for 834.19 feet to an intersection with the West line of Block 1, Range 3 of NEWNANSVILLE SUBDIVISION (unrecorded); thence South 00 degree 24 minutes 49 seconds West along said West line and along the West Right-of-Way line of Wilson Street (50 foot wide Right-of-Way) for 481.50 feet to the Northwest corner of Block 1, Range 4 of said NEWNANSVILLE SUBDIVISION; thence South 89 degrees 17 minutes 50 seconds East along the North line of said Block 1, Range 4 and along the South Right-of-Way line of said Wilson Street for 399.77 feet to the Northeast corner of said block 1, Range 4 and an intersection with the West Right-of-Way line of Magnolia Street (50 foot wide Right-of-Way); thence South 00 degrees 21 minutes 08 seconds West along said West Right-of-Way line and along the East line of said Block 1, Range 4 for 250.06 feet to an intersection with the monumented Westerly Right-of-Way line of Hipp Way (apparent 50 foot wide Right-of-Way); thence South 40 degrees 35 minutes 29 seconds West along said monumented Westerly Right-of-Way line for 180.87 feet; thence South 25 degrees 25 minutes 52 seconds West along said monumented Westerly Right-of-Way line for 12.29 feet to an intersection with the South line of said Block 1, Range 4 and an intersection with the North Right-of-Way line of an unnamed street (50 foot wide Right-of-Way); thence North 89 degrees 17 minutes 50 seconds West along said South line and along said North Right-of-Way line for 278.15 feet to the Southwest corner of said Block 1, Range 4; thence South 00 degrees 24 minutes 49 seconds West along the West Right-of-Way line of said unnamed street for 50.00 feet to the Northwest corner of Block 1, Range 5 of said Newnansville Subdivision; thence South 89 degree 17 minutes 50 seconds East along the North line of said Block 1, Range 5 and along the South Right-of-Way line of said unnamed street for 254.87 feet to an intersection with said monumented Westerly Right-of-Way line; thence South 25 degrees 25 minutes 52 seconds West along said Westerly monumented Right-of-Way line for 439.95 feet to an intersection with the South line of the Southeast 1/4 of said Section 11; thence North 89 degrees 21 minutes 00 seconds West along said South line for 15.48 feet to said POINT OF BEGINNING

Together with that part of said Block 1, Range 4 lying Easterly of the monumented Easterly Right-of-Way line of said Hipp Way.

## EXHIBIT "B"

