

ORDINANCE NO. 2021-14
LDR 21-10

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING DEVELOPMENT ORDER 20-02, PURSUANT TO ORDINANCE 2020-21/LDR 20-02 OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS, AS AMENDED, PURSUANT TO AN APPLICATION BY THE PROPERTY OWNER TO AMEND LEXINGTON STATION MIXED USE (MU) DEVELOPMENT, RENAMING SAID DEVELOPMENT TO “AVALON WOODS” MIXED USE (MU) DEVELOPMENT; PROVIDING FOR DEVELOPMENT FLEXIBILITY AND AMENDING THE MAXIMUM PERMITTED RESIDENTIAL AND NONRESIDENTIAL USES ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA; TAX PARCELS 01874-100-000, 01874-200-000, 01874-001-000, AND 01897-000-000 CONSISTING OF ±196 ACRES, MORE OR LESS; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Commission of the City of Newberry, Florida, hereinafter referred to as the City Commission, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, as amended, the Local Government Comprehensive Planning and Land Development Regulation Act, requires the City Commission to prepare and adopt regulations concerning the use of land and water to implement the City of Newberry Comprehensive Plan, hereinafter referred to as the Comprehensive Plan;

WHEREAS, an application **LDR 21-10** for amending a mixed use development, as described below, has been filed with the City;

WHEREAS, the Planning and Zoning Board of the City of Newberry, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Newberry, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, as amended, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all testimony and documents received during said public hearing and the Concurrency Management Assessment concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

Planning & Zoning Board: 05/03/2021
City Commission, 1st Reading: 05/24/2021
City Commission, 2nd Reading: 06/14/2021

WHEREAS, pursuant to Section 166.041, Florida Statutes, as amended, the City Commission held the required public hearings, with public notice having been provided, on said application for an amendment, as described below, and at said public hearings, the City Commission reviewed and considered all testimony and documents received during said public hearings, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, concerning said application for an amendment, as described below; and

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDERED by the City Commission of the City of Newberry Florida, that:

Section 1. Lexington Station Mixed Use Development Amended and Renamed as Avalon Woods.

Amendments to the Lexington Station Mixed Use Development "Development Order 20-02" (Ordinance 2020-21/LDR 20-02), which amended the original Development Order 05-01 (Ordinance 10-05/LDR 04-08), are hereby approved and hereto incorporated within this Ordinance, such that Ordinance No. 2021-14 shall constitute approval by the City of Newberry City Commission in response to Application LDR 21-10, a request by JBPro, Agent for M3 Avalon Woods LLC, CLB Inc, and CL Brice Inc, Owners, to amend the Lexington Station Mixed Use Development (Development Order 20-02) and rename said development to Avalon Woods Mixed Use Development, on certain lands within the City of Newberry on property consisting of approximately 196 acres, located immediately north, west, and south of the Easton-Newberry Sports Complex on the east side of US 27/45/SR 41, and more particularly described as follows:

PARCEL NUMBERS 01874-100-000, 01874-200-000-000, 01874-001-000, and 01897-000-000

The Southwest 1/4 of Section 27, Township 9 South, Range 17 East, Alachua County, Florida; Lying South of N.W. 24th Avenue and Lying East of U.S. Highway No. 41.

AND

The Northwest 1/4 of Section 34, Township 9 South, Range 17 East, Alachua County, Florida; Lying East of U.S. Highway No. 41.

LESS AND EXCEPT:

Description: Parcel "A"

A parcel of land lying in Sections 27 and 34, Township 9 South, Range 17 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southwest corner of said Section 27, and run North 89°00'32"East, along the South line of said Section, 174.53 feet to the East right-of-way line of State Road No. 45 (a.k.a.

U.S. Highway No. 41 and a.k.a. State Road No. 25); thence continue North 89°00'32"East, along said South line, 530.04 feet; thence North 01°42'56"West 273.19 feet to the beginning of curve concave Southeasterly, having a radius of 50.00 feet, a central angle of 45°39'49", and a chord bearing and distance of North 21°06'59"East - 38.80 feet; thence Northeasterly, along said curve, an arc distance of 39.85 feet to the end of said curve; thence North 43°56'53"East 990.60 feet to the Point-of-Beginning of the herein described parcel; thence North 46°03'07"West 91.60 feet to the beginning of a curve concave Northeasterly, having a radius of 400.00 feet, a central angle of 45°00'00", and a chord bearing and distance of North 23°33'07"West 5 feet; thence Northwesterly, along said curve, an arc distance of 314.16 feet to the end of said curve; thence North 01°03'07"West 983.29 feet; thence North 88°40'05"East 1420.92 feet to the East line of the Southwest 1 /4 of said Section 27; thence South 01°03'07"East, along said East line, 2309.49 feet to a point lying North 01°03'07"West - 40.00 feet from the Southeast corner of said Southwest 1/4; said point being on a non-tangent curve concave Southeasterly, having a radius of 385.29 feet, a central angle of 32°30'52", and a chord bearing and distance of South 72°45'06"West - 215.72 feet; thence Southwesterly, along said curve, an arc distance of 218.64 feet; thence North 46°03'07"West 1459.20 feet to the said Point-of- Beginning.

LESS AND EXCEPT:

Description: Parcel "B"

A parcel of land lying in Sections 27 and 34, Township 9 South, Range 17 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southwest corner of said Section 27, and run North 89°00'32"East, along the South line of said Section, 174.53 feet to the East right-of-way line of State Road No. 45 (a.k.a. U.S. Highway No. 41 and a.k.a. State Road No. 25); thence continue North 89°00'32"East, along said South line, 530.04 feet to the Point-of-Beginning of the herein described parcel; thence North 01°42'56"West 273.19 feet to the beginning of curve concave Southeasterly, having a radius of 50.00 feet, a central angle of 45°39'49", and a chord bearing and distance of North 21°06'59"East - 38.80 feet; thence Northeasterly, along said curve, an arc distance of 39.85 feet to the end of said curve; thence North 43°56'53"East 990.60 feet; thence South 46°03'07"East 1459.20 feet to a point on a non-tangent curve, concave Southeasterly, having a radius of 385.29 feet, a central angle of 12°32'47", and a chord bearing and distance of South 50°13'17"West 84.20 feet; thence Southwesterly, along said curve, an arc distance of 84.37 feet to the end of said curve; thence South 43°56'53"West 709.86 feet to the beginning of a curve concave Northerly, having a radius of 460.00 feet, a central angle of 90°00'00", and a chord bearing and distance of South 88°56'53"West - 650.54 feet; thence Southwesterly, Westerly, and Northwesterly, along said curve, an arc distance of 722.57 feet to the end of said curve; thence North 46°03'07"West 722.05 feet to the beginning of a curve concave Northeasterly, having a radius of 50.00 feet, a central angle of 44°20'11", and a chord bearing and distance of North 23°53'02"West - 37.73 feet; thence Northwesterly, along said curve, an arc distance of 38.69 feet to the end of said curve; thence North 01°42'56"West 31.52 feet to said Point-of-Beginning.

LESS AND EXCEPT:

Description: Parcel "C"

An 80-foot-wide strip of land lying in Sections 27 and 34, Township 9 South, Range 17 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southwest corner of said Section 27, and run North 89°00'32"East, along the South line of said Section, 174.53 feet to the East right-of-way line of State Road No. 45 (a.k.a. U.S. Highway No. 41 and a.k.a. State Road No. 25) and the Point-of-Beginning of the herein described easement; thence North 01°42'56"West, along said East right-of-way line, 40.00 feet; thence North 89°00'32"East 530.04 feet; thence South 01°42'56"East 71.52 feet to the beginning of a curve concave Northeasterly, having a radius of 50.00 feet, a central angle of 09°46'30", and a chord bearing and distance of South 06°36'11 "East - 8.52 feet; thence Southeasterly, along said curve, an arc distance of 8.53 feet; thence South 89°00'32"West 530.77 feet to the said East right-of-way line of State Road No. 45; thence North 01°42'56"West, along said East right-of-way line, 40.00 feet to the said Point-of-Beginning.

Containing 0.974 Acres more or less, OVERALL.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ALACHUA COUNTY, FLORIDA AND CONTAINS 196 ACRES, MORE OR LESS.

Section 2. Findings and Conclusions. Approval of the amended Avalon Woods (formerly Lexington Station) Mixed Use Development is based on the following findings of fact and conclusions of law, and subject to the listed conditions, restrictions, and limitations contained herein.

- A. **Findings of Fact.** The City Commission of the City of Newberry, having reviewed the above referenced LDR 21-10 application documents, and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds there is competent substantial evidence to support the following findings of fact:
1. That, the Applicant submitted to the City of Newberry City Commission the materials attached as part of its application, which are by reference made a part hereof;
 2. That, the Applicant proposes the amendments to Lexington Station Mixed Use (MU) Development to provide for development flexibility, amending the maximum permitted residential and nonresidential uses, and renaming said development "Avalon Woods Mixed Use Development;"
 - 3.. That, the changes proposed to this Mixed Use Development and included herein are amendments to the 2020-approved Development Order 20-02 (Ordinance 2020-21/LDR 20-02) which previously amended the original 2005-approved Development Order 05-01 (Ordinance 10-05/LDR 04-08);
 4. That, the Mixed Use Development is not located in an area of area of critical State

concern as designated pursuant to Section 380.05, Florida Statutes, as amended;

5. That, except for concurrency certifications, which are not being made as part of this preliminary master plan approval, the project is consistent with the City of Newberry's Comprehensive Plan and Land Development Regulations; and
6. That, the Mixed Use Development will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan applicable to the area and that the Mixed Use Development is consistent with the State Comprehensive Plan, Chapter 187, Florida Statutes.

B. Conclusions of Law. The City Commission of the City of Newberry, having made the above findings of fact, reaches the following conclusions of law:

1. That, these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the various departments of the City and the Applicant are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein; and
2. That, the review by the City and interested citizens reveals that the preliminary master plan (subject to meeting the terms of concurrency management) for this PD is consistent with the City of Newberry's Comprehensive Plan and Land Development Regulations, by the terms and conditions of this Approval and the application. To the extent that the application is inconsistent with the terms and conditions of this Approving Ordinance, the terms and conditions of the Approving Ordinance shall prevail. The Developer shall file a request for concurrency reservation for potable water, sanitary sewer, recreation, storm water facilities, and public schools at the time of construction plan approval.

Section 3. Development Approval. Having made the above findings of fact and drawn the above conclusions of law, it is ordered by the City Commission of the City of Newberry that amendments to Development Order 20-02 are hereby approved, and hereto incorporated within this Ordinance, amending the Avalon Woods (formerly Lexington Station) Mixed Use Development, subject to the following conditions:

I. Preliminary Master Plan: Statement of Objectives:

The general purpose of Avalon Woods is to provide a mixed-use development to consist of the required mix of residential, office, retail, and recreation uses within a single

development. Public use locations are also being requested as part of the preliminary master plan.

II. Proposed Public Services:

The development is designed with streets, excepting alleys, dedicated to the public, and each residence will be served by centralized potable water, sanitary sewer, and electric provided by the City of Newberry, and telephone and cable service by third party providers. These services will be installed underground by the developer, in accordance with the directives of the City of Newberry Public Works Department.

III. Management of Common Areas

All common areas, (including alleyways) shall be privately owned and maintained by a homeowners association.

IV. Residential Housing Types, Minimum Acreage by Type, Minimum Lot Sizes and Total Number of Dwelling Units Permitted:

HOUSING TYPE	MINIMUM ACREAGE PROVIDED	MINIMUM LOT SIZE	TOTAL DWELLING UNITS PERMITTED
Single Family Detached Duplex	41.2	Detached 4,000 sq. ft. Duplex 10,000 sq. ft.	350
Townhouses (attached) Triplex and Quadraplex	20.6	Rowhouse individually deeded lots 2,500 sq. ft. Condominium unified tracts: none Buildings up to 4 units 14,000 sq. ft.	150
Apartments (unified tracts)	10.3	None	200

Note: Housing type, acreage, and number of dwelling units may be interchanged between uses at a 1:1 conversion.

IV. Non-Residential Uses and Activities, Minimum Acreage by Use or Activity, Maximum Square Footage Permitted by Use or Activity:

USE OR ACTIVITY	MINIMUM ACREAGE PROVIDED	MAXIMUM STRUCTURAL SQ. FT. PERMITTED
Commercial	10.3	150,000
Office	10.3	60,000
Recreation	10.3	N/A
Open Space	20.6	N/A

V. Permitted Uses within Areas Identified as Residential on the Preliminary Master Plan:

A. Permitted Principal Uses and Structures:

1. Residential single-family and duplex dwellings.
2. Townhouses, which include rowhouses, triplexes and quadraplexes.
3. Apartments.
4. Public buildings and facilities.
5. Public common open space areas, parks and recreational areas.
6. Homes of six (6) or fewer residents which otherwise meet the definition of a "community residential home".
7. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Do not involve operations or structures not in keeping with the character of the district.

B. Permitted Accessory Uses and Structures:

1. Community swimming pools and associated structures, pavilions (clubhouses) and parking (pavilions may contain community meeting rooms).
2. Community-wide walking or hiking paths or trails, stormwater management facilities, and neighborhood parks.
3. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Do not involve operations or structures not in keeping with the character of the district.

C. Special Exceptions:

1. Home occupations.
2. Private Schools
3. Churches

VI. Prohibited Uses within Areas Identified as Residential on the Preliminary Master Plan:

Prohibited uses include:

- 1) uses that are not compatible with single-family, duplex, triplex or quadraplex residential development;
- 2) Mobile or manufactured homes;
- 3) Businesses and/or other uses that impact the integrity of the residential neighborhood;
- 4) Overnight parking of semi-trucks;
- 5) No major recreational vehicles shall be used for living, sleeping, or housekeeping purposes or parked for a period exceeding 72 hours;
- 7) Unauthorized construction or placement of buildings or structures;
- 8) Vehicles without current license plates shall not be parked or stored other than within completely enclosed buildings.

VII. Setbacks, Building Height, Lot Coverage, and Off-Street Parking for Residential Use Areas as designated on the Preliminary Master Plan:

Building Setbacks:

A. MINIMUM SETBACKS: SINGLE FAMILY RESIDENTIAL, DUPLEX, DETACHED TRIPLEX AND BUILDINGS UP TO 4 DWELLING UNITS

1. Principal building:

- | | |
|-------------------|---------|
| a) Front: | 20 feet |
| b) Side interior: | 5 feet |
| c) Side street: | 10 feet |
| d) Rear: | 10 feet |

2. Accessory building:

- | | |
|-------------------|-----------------------------|
| a) Front: | Not permitted in front yard |
| b) Side interior: | 5 feet |
| c) Side street: | 5 feet |
| d) Rear: | 5 feet |

B. ATTACHED UNITS GREATER THAN 4 UNITS

1. Principal building:

- | | |
|-------------------|---------|
| a) Front: | 20 feet |
| b) Side interior: | None |
| c) Side street: | 10 feet |
| d) Rear: | 10 feet |

2. Accessory building:

- | | |
|-------------------|-----------------------------|
| a) Front: | Not permitted in front yard |
| b) Side interior: | None |
| c) Side street: | 5 feet |
| d) Rear: | 5 feet |

C. Maximum Height of Buildings or Structures and Lot Coverage:

- | | |
|---------------------|--|
| 1. Building Height: | Detached units - 35 feet
Attached Units - 72 feet |
|---------------------|--|

2. Structural Lot Coverage: 60% (excepting attached units which may be 90%)

D. Minimum Off-Street Parking Requirements:

The number of parking spaces required shall be established by the size of the enclosed garage to be provided for each the dwelling unit. (i.e. a one car garage shall

provide one (1) off street parking space, a two-car garage shall provide two (2) off-street parking spaces for each dwelling unit). In cases where no enclosed garage is provided or in the case of apartment units, a minimum of one (1) parking space shall be provided for the dwelling unit, either on site or within a designated parking area. On-street parking shall be allowed in all areas designated for on-street parking as shown on the final construction drawings.

IX. PERMITTED USES WITHIN AREAS IDENTIFIED AS COMMERCIAL ON THE PRELIMINARY MASTER PLAN:

A. Permitted Principal Uses and Structures:

- i. All permitted principal uses and structures listed within the Commercial, General and Commercial, Intensive zoning districts as provided within the City of Newberry Land Development Regulations.
- ii. Indoor and outdoor storage and mini warehouse uses located internally to the Avalon Woods Mixed Use Development. No such storage or mini warehouse shall be located along highway frontage.
- iii. Residential units as a mixed use within the same structure or complex as commercial retail and office uses.
- iv. Public buildings and facilities.
- v. Public common open space areas, parks and recreational areas.
- vi. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Do not involve operations or structures not in keeping with the character of the district.

B. Permitted Accessory Uses and Structures:

1. Community swimming pools and associated structures, pavilions (clubhouses) and parking (pavilions may contain community meeting rooms).
2. Community-wide walking or hiking paths or trails, stormwater management facilities, and neighborhood parks.
3. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Do not involve operations or structures not in keeping with the

character of the district.

C. Special Exceptions:

1. As listed in Multiple family, Commercial General (CG) and Commercial Intensive (CI) zoning districts within the City of Newberry Land Development Regulations; and
2. Private Schools
3. Churches

X. PROHIBITED USES WITHIN AREAS IDENTIFIED AS COMMERCIAL ON THE PRELIMINARY MASTER PLAN:

A. Prohibited uses include:

- i. Manufacturing activities (excepting as specifically permitted).
- ii. Any other uses or structures not specifically, provisionally or by reasonable implication permitted herein. Any use which is potentially dangerous, noxious or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation or likely for other reasons to be incompatible with the character of the district. Performance standards apply.

XI. Building Separation, Facade Orientation, Building Height, Service and Loading Areas and Off-Street Parking for Commercial Use Areas as designated on the Preliminary Master Plan:

A. Building Separation Requirements: Building Separation shall meet minimum requirements of the Florida Administrative Code; Uniform Building Code and Life Safety Code 101, as adopted and in effect at the time of construction.

B. Facade Orientation Requirements: With the exception of service, and loading areas, blank walls shall be avoided at ground level. Buildings shall be designed with multiple pedestrian facades (with exception of service and loading areas). Service and loading areas shall be separated from main circulation and parking areas and away from streets and shall be buffered from areas designated residential on the preliminary master plan as provided below or such service and loading areas may be buffered by a minimum of a six foot high masonry wall where the service or loading area is adjacent to another area identified as commercial on the preliminary master plan. Trash containers and outdoor storage areas shall be designed, where possible, within service and loading areas and shall be designed

to be screened from public view and be compatible with the architectural character of the development.

C. Maximum Height of Buildings or Structures and Lot Coverage:

1. Building Height: 72 feet
2. Intensity Allowance: Maximum of .25 Floor Area Ratio

D. Minimum Off-Street Parking Requirements:

On and off-street parking shall be calculated using the listed off-street parking standards located within the residential, multiple family, Commercial, General and Commercial, Intensive zoning district classifications within the City of Newberry Land Development Regulations. On-street parking shall be allowed in all areas designated for on-street parking as shown on the final construction drawings.

XII. Supplementary Regulations:

Except as modified herein by this Development Order, all other provisions of Section 4.2, Supplementary District Regulations, City of Newberry Land Development Regulations, shall apply to the development as appropriate.

XIII. Phasing:

This is a phased development. Refer to the Avalon Woods Master Plan for the phasing plan. Phases are not required to be developed in chronological order. The Development Phasing Plan also is provided in the associated Development Agreement DA-LDR 21-10.

XIV. Buffering:

- A. Buffering shall be required between certain residential housing types and between certain commercial uses and residential housing types as follows:
 - i. Between single family residential buildings up to 4 units and apartment units - a minimum of twenty (20) foot buffer with native trees, of a species, which will grow to a height of ten (10) feet, within a 5-year period. As a minimum requirement the trees shall be planted in three (3) tiered and staggered rows to create the maximum tree cover possible. Existing natural areas may be augmented with additional plantings to meet the buffering requirement. A buffer is not required between townhouses/rowhouses and apartments.
 - ii. Buffering as required above shall be required between all residential

areas shown on the preliminary master plan and those areas shown on the master plan for commercial uses. Fences or walls may be provided within the buffer for security purposes but shall not exempt the planted buffer requirement.

A trail system is allowed within the buffer and common open space areas and is allowed to meander within the buffers to avoid trees and other desirable natural features and shall be included within the construction drawings.

NOTE: Churches and schools although not required to be provided within this development, if they are to be included, these uses shall be approved by special exception. The provisions as stated above for commercial areas shall apply to church and school areas.

XV. Public Facilities

All utilities shall be installed underground. Utility easements for this purpose shall be provided within the development construction plans. Such location and dimension of utility easements shall be approved by the City of Newberry. The Developer, at no cost to the City, is responsible for installation of all lines, equipment and appurtenances for the connection of each and every dwelling unit to all available utilities provided by the City of Newberry and appropriate electric and telecommunications entity in accordance with the specifications of the appropriate utility entity. Such construction of public facilities shall be as provided within the construction plans as approved by the City.

Streets, Stormwater Facilities & Common Open Space

All roadways, stormwater facilities and utility easements and right-of-way, as shown on the final plats for each phase and construction plans as filed and approved by the City Commission, shall be maintained by DEVELOPER for a period of one year after completion, inspection and approval of the constructed facilities for each phase, as provided within the Land Development Regulations of the City. Every dwelling unit or other use permitted in the development shall have access by way of a right of way dedicated to the public, which meets the minimum requirements of the City's Land Development Regulations. Except as provided elsewhere, all streets shall be constructed as described within the "Street Improvement Schedule" in this section.

All surety devices shall meet the requirements of Section 5.39 of the Land Development Regulations of the City. Recreation facilities, common areas, and stormwater management facilities shall be owned and operated by the Developer or dedicated to and maintained by a separate homeowners association, for which its charter and by-laws shall be reviewed and approved by the City Commission.

A. Street Improvement Schedule

Street improvements shall be provided as required by the street schedule listed within the Mixed-Use district classification of the City of Newberry Land Development Regulations

The Roads Shown on the Preliminary Master Plan are classified as Neighborhood Center Main Streets. All other roads to be provided are classified as a mixed-use residential street or alleys. Alleyways shall be off set from intersections at a distance of a minimum of one hundred (100) feet:

B. Sidewalks.

Sidewalks shall be located on one side of the street and shall be constructed of concrete and meet the minimum construction requirements for sidewalks as provided within Article 5 of the City's Land Development Regulations.

C. Construction of Roads and Dead-End Streets.

All dead-end streets shall be temporary in nature and shall connect to the street system of the next phase of development.

1. All stub streets which are two hundred fifty (250) feet or less shall have a temporary T- or L-shaped turnabout, while stub streets which are greater than two hundred fifty (250) feet shall have a temporary cul-de-sac turnabout.

There shall be a notation on the final plat that land used for a temporary T- or L-shaped cul-de-sac or turnabout which is outside the normal street right-of-way shall revert to abutting landowners whenever the street is continued. The subdivider of the adjoining area shall pay the cost of restoring any stub street to its original design cross-section and extending the street.

The City Commission may limit the length of temporary stub streets in accordance with the design standards of these land development regulations.

D. Cul-de-sac Streets.

The construction of cul-de-sacs shall be minimized where possible. The street system should provide as much interconnectivity as possible. Where cul- de- sacs are provided they shall be constructed with a turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet. Cul-de-sacs shall have a maximum length of eight hundred (800) feet including the turnaround.

E. Roundabouts.

Roundabouts shall be designed so that approaching traffic must wait for a gap in the traffic flow before entering the intersection. The roundabout shall also contain a small landscaped center island. Further, the roundabout shall be designed with angles of deflection and flared approaches at entries so designed as to slow traffic and increase roadway capacity. The subdivider shall demonstrate that the dimensions of the roundabout will accommodate the larger turning radius of emergency and public service vehicles.

F. Intersections.

1. Streets (excepting roundabouts) shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one-hundred (100) feet there from. No more than two (2) streets shall intersect at any one (1) point unless specifically approved by the City Commission. Street off sets shall not be less than one hundred (100) feet.
2. Minimum curb radii at the intersection of two (2) local streets shall be at least twenty (20) feet, and a minimum curb radius at an intersection involving a collector Neighborhood Main Street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Radii: All curve radii shall be a minimum of Twenty (20) feet.

G. Stormwater Management and Flood Protection Requirements:

(Refer to Articles 7 and 8 of the City of Newberry Land Development Regulations).

H. Utilities:

1. Location. Utility locations shall be provided and approved by the construction drawings.
2. Easements. Utility easements shall be provided within that portion of the lots that are provided for access purposes. Normally, utility easements across lots or centered on rear or side lot lines will not be permitted. Where, due to topography or other circumstances beyond the control of the developer, such easements are deemed by the City Public Works Department to be necessary to the reasonable

development of the property, such easements shall be at least fifteen (15) feet wide and centered as near as practical between the lots.

I. Recreation and Open Space

Neighborhood recreation areas shall be provided as generally located on the Preliminary Master Plan (Exhibit A made a part hereof and attached hereto).

VIII. Permitting.

- A.** All phases of the development will follow the approval process and permitting as required by the City, State of Florida, Suwannee River Water Management District and any other governmental authority pertaining to said development.
- B.** The City of Newberry reserves water and wastewater capacity for development on a first come, first serve basis when final development orders (either final plats for residential development or site and construction plans for non-residential development) are approved by the City Commission. Based on the City's current water and wastewater flow data and outstanding capacity reservations, there currently exists available capacity to serve the proposed development.

The City of Newberry has initiated the process of expanding its wastewater treatment capacity. The City makes no representation as to available water and wastewater capacity at any time in the future.

IX. Consistency with Comprehensive Plan.

The City finds that the development proposed is consistent with the City's Comprehensive Plan and land development regulations.

Section 4. Development Ordinance. The conditions, restrictions, and limitations included herein as part of this Development Ordinance shall govern the development and use of the above described property. Any deviation from the development order shall be deemed a violation of the Land Development Regulations.

Section 5. Preliminary Master Plan. A preliminary master plan, submitted as part of the above described Avalon Woods (formerly Lexington Station) Mixed Use Development Amendment application, a copy of which is attached hereto and made a part of this ordinance as “**Exhibit A**”, shall govern the development and use of the above described property.

Section 6. Development Agreement DA-LDR 21-10. A separate Development Agreement between the City of Newberry and M3 Avalon Woods LLC, approved by the City of Newberry City Commission on May 24, 2021 and herewith made a part of this ordinance by reference, shall govern the development and use of the above described property. Any deviation from the

development agreement shall be deemed a violation of the Land Development Regulations.

Section 7. Development Approval Binding. The development approval provided herein shall be binding upon the Applicant, assigns or successors-in-interest.

Section 8. Governmental Agency Reference. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrument which may be created or designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 9. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 10. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. Effective Date. This ordinance shall be adopted upon the date provided below as passed.

Section 12. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161 through 163.3215, Florida Statutes, as amended.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 24th day of May 2021.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the 20th day of May 2021.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 14th day of June 2021.

BY THE MAYOR OF THE CITY OF
NEWBERRY, FLORIDA

Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE
CITY COMMISSION OF THE CITY OF
NEWBERRY, FLORIDA:

Judy S. Rice, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

City Attorney's Office

Attachment (1): "A" - Preliminary Master Plan (1 page)

Planning & Zoning Board: 05/03/2021
City Commission, 1st Reading: 05/24/2021
City Commission, 2nd Reading: 06/14/2021