

**ORDINANCE 2021-12**  
**PRELIMINARY DEVELOPMENT ORDER NO. PD/LDR 21-08**

AMENDING PRELIMINARY DEVELOPMENT ORDER 11-02 OF THE CITY OF NEWBERRY, FLORIDA, PURSUANT TO ORDINANCE 10-11 OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS, AS AMENDED, PURSUANT TO AN APPLICATION BY THE PROPERTY OWNER OF SAID PROPERTY; ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA; REPEALING DEVELOPMENT ORDERS IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 28, 2021, an application was filed by Causseaux, Hewett, & Walpole, Inc., agent for Lexington Parke II of Gainesville, LTD (owners) to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by amending an approved Planned Development (PD) on approximately 148.85 acres as identified below. The property is located on the south side of SW 30<sup>th</sup> Avenue, west of US 27/SR 45, approximately ¾ mile south of downtown Newberry.

A TRACT OF LAND SITUATED IN SECTIONS 15 AND 16, TOWNSHIP 10 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED SECTION 15; THENCE N.87°55'11"E., ALONG THE NORTH LINE OF SAID SECTION 15, A DISTANCE OF 1144.09 FEET; THENCE DEPARTING SAID NORTH LINE OF SECTION 15, S.01°14'08"E., A DISTANCE OF 24.79 FEET TO THE **POINT OF BEGINNING** SAID POINT OF BEGINNING LOCATED ON THE SOUTH LINE OF THE MAINTAINED RIGHT OF WAY LINE FOR S.W. 30<sup>TH</sup> AVENUE AS SHOWN ON THE MAINTENANCE MAP RECORDED IN MAINTENANCE MAP BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE CONTINUE S.01°14'08"E., A DISTANCE OF 25.21 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 4023, PAGE 2382 OF SAID PUBLIC RECORDS, SAID PARCEL OF LAND BEING HEREINAFTER REFERRED TO AS THE "CITY OF NEWBERRY" PARCEL; THENCE S.87°55'11"W., A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID "CITY OF NEWBERRY PARCEL"; THENCE S.01°14'08"E., A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID "CITY OF NEWBERRY PARCEL"; THENCE N.87°55'11"E., A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID "CITY OF NEWBERRY" PARCEL, SAID SOUTHEAST CORNER LOCATED ON THE WEST BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 4008, PAGE 832 OF SAID PUBLIC RECORDS; THENCE S.01°14'08"E., ALONG SAID WEST LINE, A DISTANCE OF 2557.73 FEET TO THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4008, PAGE 832, SAID SOUTHWEST CORNER LOCATED ON THE SOUTH LINE OF THE NORTH ½ OF SAID SECTION 15; THENCE S.87°43'29"W., ALONG SAID SOUTH LINE, A DISTANCE OF 1146.83 FEET TO THE SOUTHEAST CORNER OF THE EAST ½ OF THE NORTHEAST ¼ OF THE AFOREMENTIONED

SECTION 16; THENCE S.87°15'52"W., ALONG THE SOUTH LINE OF SAID EAST ½ OF THE NORTHEAST ¼ OF SECTION 16, A DISTANCE OF 1310.89 FEET TO THE SOUTHWEST CORNER OF SAID EAST ½ OF THE NORTHEAST ¼ OF SECTION 16; THENCE N.01°14'08"W., ALONG THE WEST LINE OF SAID EAST ½ OF THE NORTHEAST ¼ OF SECTION 16, A DISTANCE OF 2632.48 FEET TO THE AFOREMENTIONED SOUTH LINE OF THE MAINTAINED RIGHT OF WAY FOR S.W. 30<sup>TH</sup> AVENUE; THENCE EASTERLY, ALONG SAID SOUTH MAINTAINED RIGHT OF WAY LINE WITH THE FOLLOWING 15 COURSES; (1) N.86°46'57"E., A DISTANCE OF 177.13 FEET; (2) N.86°54'18"E., A DISTANCE OF 481.82 FEET; (3) N.86°58'15"E., A DISTANCE OF 236.34 FEET; (4) N.87°37'48"E., A DISTANCE OF 16.71 FEET; (5) N.86°47'57"E., A DISTANCE OF 269.96 FEET; (6) N.03°00'21"E., A DISTANCE OF 14.07 FEET; (7) N.87°17'03"E., A DISTANCE OF 135.84 FEET (8) S.02°04'49"E., A DISTANCE OF 9.97 FEET; (9) N.88°51'25"E., A DISTANCE OF 269.61 FEET; (10) N.02°04'49"W., A DISTANCE OF 13.71 FEET; (11) S.88°15'52"W., A DISTANCE OF 118.72 FEET; (12) S.02°04'49"E., A DISTANCE OF 12.37 FEET; (13) N.87°57'18"E., A DISTANCE OF 225.02 FEET; (14) THENCE N.88°16'42"E., A DISTANCE OF 286.31 FEET; (15) THENCE N.88°21'46"E., A DISTANCE OF 240.66 FEET TO THE **POINT OF BEGINNING**, CONTAINING 148.85 ACRES, MORE OR LESS.

WHEREAS, the application proposes the development of "Sandia Town Parc, **Phase I**," a PD located in the City of Newberry, Florida, within the Transportation Enhancement Project Area and Economic Development Overlay district as established in the Newberry Comprehensive Plan; and

WHEREAS, the City of Newberry City Commission, as the governing body of the local government having jurisdiction pursuant to Chapter 163, Florida Statutes, is authorized and empowered to consider the application and to render a Preliminary Development Order (Order); and

WHEREAS, the public notice requirements of the City of Newberry Land Development Regulations have been satisfied; and

WHEREAS, the Planning and Zoning Board of the City of Newberry has, on March 15, 2021, held a duly noticed public hearing on the application and has heard and considered testimony and documents received thereon and after which said Planning and Zoning Board recommended approval of the application to the City Commission; and

WHEREAS, the City of Newberry City Commission has, on April 12, and July 13, 2021, held duly noticed public hearings on the application and has heard and considered testimony and documents received thereon; and

WHEREAS, the City of Newberry City Commission has received and considered a preliminary report on the concurrency management assessment concerning the rezoning; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the public hearing before the City of Newberry City Commission; and

98  
99 WHEREAS, the City of Newberry City Commission reviewed the above referenced  
100 documents, as well as all related testimony and evidence submitted by each party and members  
101 of the general public.

102  
103 NOW, THEREFORE, BE IT ORDERED by the City Commission of the City of  
104 Newberry Florida, that:

105  
106 Section 1. This Preliminary Development Order, being a part of and incorporated thereto  
107 by reference within Ordinance No. 2021-12 shall constitute the Order the City of Newberry City  
108 Commission issued in response to the application filed by the Applicant, for the rezoning and  
109 development of Sandia Town Parc Phase I. The scope of development to be permitted pursuant  
110 to this Order includes the activities described in the application, and, further that the City of  
111 Newberry City Commission, having received the above referenced documents, and having  
112 received all related comments, testimony, and evidence submitted by each party and members of  
113 the general public, finds there is competent substantial evidence to support the following findings  
114 of fact:

- 115  
116 A. That, the Applicant submitted to the City of Newberry City Commission the  
117 materials attached as part of its application, which are by reference made a part  
118 hereof;  
119  
120 B. That, the Applicant proposes the development of Sandia Town Parc Phase I as a PD  
121 located in the Transportation Enhancement Project Area and the Economic Overlay  
122 district of the City of Newberry Florida;  
123  
124 C. That, the proposed PD is not located in an area of area of critical State concern as  
125 designated pursuant to Section 380.05, Florida Statutes, as amended;  
126  
127 D. That, excepting for concurrency certifications, which are not being made as part of  
128 this preliminary master development plan approval, the project is consistent with the  
129 City of Newberry's Comprehensive Plan and Land Development Regulations; and  
130  
131 E. That, the PD will not unreasonably interfere with the achievement of objectives of  
132 the adopted State Land Development Plan applicable to the area and that the PD is  
133 consistent with the State Comprehensive Plan, Chapter 187, Florida Statutes.  
134

135 Section 2. That, the City of Newberry City Commission, having made the above findings of fact,  
136 reaches the following conclusions of law:

- 137 A. These proceedings have been duly conducted pursuant to applicable law and  
138 regulations, and based upon the record in this proceeding, the various departments of  
139 the City and the Applicant are authorized to approve/conduct development as  
140 described herein, subject to the conditions, restrictions, and limitations set forth  
141 herein; and  
142  
143 B. The review by the City and interested citizens reveals that the preliminary master  
144 development plan (subject to meeting the terms of concurrency management) for this  
145

PD is consistent with the City of Newberry's Comprehensive Plan and Land Development Regulations, by the terms and conditions of this Order and the application. To the extent that the application is inconsistent with the terms and conditions of this Order, the terms and conditions of the Order 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. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that this Order is hereby approved, subject to the following conditions, restrictions, and limitations:

**I. Preliminary Master Development Plan:**

**Statement of Objectives:**

The Planned Development (PD) zoning district is proposed for Sandia Town Parc, Phase I in order to create a true mixed-use development that will offer unique residential, commercial, recreational, and employment opportunities in the City of Newberry, and serve as a community focal point. The proposed project includes commercial / retail uses, a variety of housing types and price ranges, hotels, open space, and direct access to Champions Park that provides Newberry residents an ideal setting for entertainment, exercise, and leisure activities.

This PD, referred to as Sandia Town Parc Phase I, amends the Sandia Town Parc PD. An associated, adjacent PD, Sandia Town Parc Phase II proposes to expand the original PD to the south and east while adding a variety of residential types, active and passive recreation, and light manufacturing. The two (2) PD's are shifting entitlements to the southern portion to better distribute the entitlements in a manner that is consistent with surrounding development and the City's vision for future growth while including economic drivers, such as additional sports facilities and light manufacturing. The two (2) PD's have been designed and master planned as a single development with shared infrastructure, internal multi-modal connections, and cohesive land use allocations that ensure both internal and external compatibility.

**Proposed Public Services:**

The roadway layout within Sandia Town Parc Phase I will include a primary spine road with smaller local roads serving the uses within the PD. The development will be served by City centralized potable water and sanitary sewer facilities. Electrical service will be provided by the City of Newberry and the Central Florida Electric Co-op and service lines will be installed underground. Stormwater treatment will be provided in the form of retention basins. All public services infrastructure, including roadways, water and sewer facilities, and stormwater management facilities shall be transferred to the City upon completion of an inspection one-year after construction is complete. Upon transfer, the City shall be responsible for the public facilities infrastructure maintenance.

**Management of Common Areas, Parking Areas and Accessways:**

The management of all drives, parking areas, and common areas to be provided within the development, including landscaping, buffering, open space, pavilions, recreation areas, and all other improvements identified within the Order and the Preliminary Master Development Plan shall be owned and operated by the Developer or through covenants, conditions, and restrictions for the Development, and managed through an owners' association with governing documents, including the Declarations of Covenants, Articles of Incorporation, and By-Laws of the owners' association and any duly adopted amendments thereto.

Permitted Gross Density / Intensity:

**Area A:**

Single-Family Detached / Attached / Townhomes: 200 units

Multiple-family: 400 units

**Area B:**

Hotel: 400 rooms

Non-residential: 300,000 square feet

**Area C:** Not Applicable

Maximum Values/Development Information:

1. Total Site Area = 148.84 acres, more or less
2. Residential, Multi-Family Area = 90.1 acres, more or less
3. Mixed Use Area = 48.1 acres, more or less
4. Right of Way including drives and sidewalks = 11 acres, more or less
5. Developed area = 126.5 acres, more or less
6. Common area = 22.3 acres, more or less
7. Percentage of common area = 22 acres/148.84 acres = 15%
8. Minimum Single Family Detached Lot Size = 4,000 square feet

**II. Permitted Uses and Structures:**

Common open space, recreational trails, public or private parks, stormwater management facilities, public safety, and infrastructure may exist in any land use area.

**Area A: Residential, Multi-Family**

1. Multi-Family Dwellings, townhomes, Duplex Dwellings, single-family detached and single-family attached residential dwelling units;
2. Community/Amenity Center;
3. Parks and Recreation Areas;
4. Public Utilities;
5. Communications Infrastructure;
6. Post Office;
7. Storage Facility; and
8. Uses and structures which:

- a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
- b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership;
- c. Do not involve operations or structures not in keeping with the character of the district; and
- d. All accessory uses and structures shall be closed with a fence and completely screened from view at the pedestrian level.

#### **Area B: Mixed Use**

- 1. Multiple-Family Residential;
- 2. Retail Sales and Service;
- 3. Office;
- 4. Bank/Financial Institution;
- 5. Fueling Station;
- 6. Restaurant;
- 7. Hotel;
- 8. Movie Theater;
- 9. Music Recording Studio
- 10. Amphitheater/outdoor entertainment venue,
- 11. Community/amenity center,
- 12. Active recreation (miniature-golf, golf driving range, water park, etc.),
- 13. Sports arena,
- 14. Baseball/softball stadium,
- 15. Athletic fields,
- 16. Storage facility,
- 17. RV parking with overnight stay,
- 18. Structured parking; and
- 19.** Uses and structures which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
  - b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership;
  - c. Do not involve operations or structures not in keeping with the character of the district; and
  - d. All accessory uses and structures shall be closed with a fence and completely screened from view at the pedestrian level.

#### **Area C: Roadway**

- 1. Public Utilities;
- 2. Communication Infrastructure;
- 3. Circulation; and
- 4. Mass Transit/Downtown Trolley

### **III. Prohibited Uses:**

- 1. Mobile or manufactured homes;

2. Unauthorized construction or placement of buildings or structures; and
3. Vehicles without current license plates shall not be parked or stored other than within completely enclosed buildings.

#### **IV. Phasing, Building Setbacks, Lot Layout Design Standards, Buffering, Building Height and Lot Coverage, and Off-Street Parking:**

This is a single phase development to be completed over a period of 20 years. Phasing may be further divided into sub-units.

##### **Single-Family Detached Building Minimum Setbacks, Lot Lines, and Yard Requirements:**

- a) Front Setback: twenty feet (20')
- b) Side Setback: three feet (3')
- c) Rear Setback: ten feet (10')

##### **Lot Layout Design Standards:**

- a) Access. Shared driveway or private street easements shall be noted on the final plat for the property and incorporated into each deed transferring title to the property; and
- b) Tandem Parking. Tandem parking to meet parking requirements of this Order may be provided on individual lots or on driveways that are for the exclusive use of an individual lot. No parking shall be permitted on sidewalks or maintenance and access easements.

##### **Multi-Family and Townhome Building Minimum Setbacks, Lot Lines, and Yard Requirements:**

- a) Front Setback: fifteen feet (15'), except where the building is brought to the street line, in such case zero feet (0')
- b) Side Setback: zero feet (0'), except where side yard is provided, then ten feet (10 feet)
- c) Rear Setback: fifteen feet (15'), except where alley is provided, in such case zero feet (0').

##### **Non-residential Building Minimum Setbacks, Lot Lines, and Yard Requirements:**

- a) Front Setback: five feet (5'), except where the building is brought to the street line, in such case zero feet (0')
- b) Side Setback: zero feet (0'), except where setback is provided (10 feet)
- c) Rear Setback: five feet (5'), except where alley is provided, in such case zero feet (0')

##### **Buffering:**

Common area / open space, including Stormwater Management Facilities (SMF), shall be equal to a minimum of 15% of the site.

##### **Single Family Detached Building Height and Lot Coverage:**

1. Building Height: 45 feet

2. Lot Coverage: 55%

Multi-family and Townhome Building Height and Lot Coverage:

1. Building Height: 72 feet
2. 1.0 Floor Area Ratio

Non-residential Building Height and Lot Coverage:

1. Building Height: 72 feet
2. 1.0 floor area ratio.

Off-Street Parking:

Residential: One (1) space for each dwelling unit;

Non-Residential: parking requirements per the commercial general zoning district of the City of Newberry Land Development Regulations.

Parking dimensions shall conform to Section 4.2.15.4 of the Land Development Regulations.

Supplementary Regulations:

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

**V. Public Facilities**

All utilities shall be installed underground. Public utility easements for this purpose shall be provided within the development's construction plans. Location and dimension of public utility easements shall be approved by the City of Newberry. The Developer is responsible for the installation of all lines, equipment, and appurtenances for the connection of structures to all available utilities provided by public and private entities, including the City facilities, Cox Communications, appropriate electric utility and AT&T. Such construction of public facilities shall be as provided within the construction plans, as approved by the City.

**VI. Streets, Stormwater Facilities and Common Open Space**

All roadways, utility easements, and right-of-way, as shown on the final plat and construction plans as filed and approved by the City Commission, shall be maintained by the Developer for a period of one (1) year after completion, inspection, and approval of the constructed facilities for each phase, as provided within the City's Land Development Regulations. Every dwelling unit or other use permitted in the PD shall have access by way of right-of-way or direct access to private drives that directly connect to 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. Common areas shall be owned and operated by the Developer or dedicated to and maintained by the property owners' association. All areas dedicated to the public shall be maintained by the Developer for a period of one (1) year after completion, inspection, and approval of the facilities. The final ten percent (10%) of the one-hundred ten percent (110%) surety shall be maintained in escrow for the purpose of maintenance of rights-of-way, common areas, and easements for one (1) year after completion of the same.



381  
382 **Street Improvement Schedule**

383 Street improvements shall be provided as required by the following schedule. Improvements  
384 shall conform to the following standards:

385  
386 **STANDARD IMPROVEMENT**

- 387 1. Grading and Centerline Gradients shall be a maximum of eight percent (8%) and no  
388 minimum.
- 389 2. Streets shall be improved as follows:
- 390 a) All interior roadways of the development shall be paved to the following minimum  
391 standards:
- 392 i. Area A: a minimum twenty-foot (20') wearing surface and sixty-foot (60')  
393 right-of-way;
- 394 ii. Area B: a minimum twenty-four-foot (24') wearing surface and sixty-foot  
395 (60') right-of-way; and
- 396 iii. Area C: a minimum twenty-four-foot (24') wearing surface and eighty-foot  
397 (80') right-of-way.
- 398 b) Standard curb and gutter or Miami curb, as appropriate, shall be required;
- 399 c) Subgrade shall have a compacted thickness of twelve inches (12"), stabilized to a  
400 minimum Limerock Bearing Ratio (LBR) of forty (40) and compacted to ninety-  
401 eight percent (98%) of Standard Proctor Density (American Society for Testing  
402 Materials (ASTM) D1557). Also, where soil classified as AASHTO (American  
403 Association of State Highway Transportation Officials) soil groups A-6 or A-7 are  
404 encountered in the subgrade, such materials shall be removed to a minimum depth of  
405 twenty-four inches (24") below the pavement base and replaced with acceptable  
406 material and where soil classified as AASHTO soil group A-8 is encountered, in the  
407 subgrade, all such materials shall be removed;
- 408 d) Pavement Base shall be six inches (6") of compacted limerock minimum or thicker  
409 based on a formal Florida Department of Transportation (FDOT) pavement design  
410 and compacted to ninety-eight percent (98%) of Standard Proctor Density (ASTM  
411 D1557);
- 412 e) Wearing Surface shall be one and one-half (1½") inch minimum of FDOT approved  
413 Superpave or thicker based on a formal FDOT pavement design; and
- 414 Sodding shall be performed on all areas within the right-of-way, except for that part of  
415 the right-of-way covered by a wearing surface, or that part covered by the pavement  
416 base or sidewalk.

417 **Quality Control**

418 The Developer shall be required to have a qualified soils and materials testing laboratory certify  
419 to the City Commission that all materials and improvements entering into the completed work  
420 are in compliance with these land development regulations. All costs shall be borne by the  
421 Developer and copies of the test results shall be submitted to the City Commission with the final  
422 plat. There shall be a minimum of one (1) density test on subgrade and base for every one  
423 thousand (1,000) square yards constructed. In addition, there shall be a minimum of one (1)  
424 LBR Test for every one thousand (1,000) square yards of the subgrade constructed.

425  
426 **Design Standards**

- 427 1. Topography and Arrangement.

- a) Streets shall be related appropriately to the topography;
- b) Grades of streets shall conform as closely as possible to the original topography except as necessary to meet building site requirements;
- c) A combination of steep grades and curves shall be avoided; and
- d) All streets shall be arranged so as to place as many building sites as possible at or above the grades of the streets.

2. Access to Existing Streets. Where a subdivision borders on or contains an existing street, the City Commission shall require that access to such streets be limited by the following means:

- a) The subdivision of lots shall occur such that access shall be provided to existing street(s); and
- b) All street numbers shall conform to the Alachua County Emergency-911 (E-911) street naming and addressing system.

3. Road signs and traffic control signs such as stop signs, speed limit signs, etc. For all subdivisions, all road and street signs shall be designed in number and location to meet Florida Department of Transportation standards and shall be shown on the construction drawings. Prior to approval of the final plat, the Developer shall install such road and street signage, as approved by the City Commission, and shall maintain and repair such signage as provided for in Section 4.2.20 of the City's Land Development Regulations. In lieu of installation of such signage prior to the approval of the final plat, the posting of a surety device in accordance with Section 5.39 of the Land Development Regulations shall be filed, approved, and accepted by the City Commission.

4. Street Lights Installation of street lights is required. Street lights shall be installed by the Developer and constructed according to the City of Newberry Utilities and General Services Department Standards.

5. Sidewalks. Sidewalks shall be located on the side of the street that provides the most continuous pedestrian connections through the development and shall be constructed of concrete and meet the minimum construction requirements for sidewalks provided within Article 5 of the City's Land Development Regulations.

6. Construction of Roads and Dead-End Streets. All dead-end streets shall be constructed as cul-de-sacs (please refer to Item 7, entitled Cul-De-Sac Streets). All dead-end streets shall extend to the property line to allow access at such time as the adjacent properties are developed. The temporary access from the south of the development for emergency use and construction. Each of these dead end streets shall be temporary in nature, and shall connect to the street system of the next development or to an existing street or extension of an existing street.

7. Cul-De-Sacs. Cul-de-sacs shall be provided with a turnaround having an outside roadway diameter of at least eighty feet (80'), and a street property line diameter of at least one-hundred feet (100'). Cul-de-sacs shall have a maximum length of eight-hundred feet (800'), including the turnaround. A cul-de-sac may exceed 800 feet, not to exceed 1,600 feet, where a roundabout is located at the intersection of two roadways within 600 feet to 1,000 feet from the terminus of the cul-de-sac.

475  
476 8. Intersections.

- 477 a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed  
478 intersection of two (2) new streets at an angle of less than seventy-five degrees (75°) shall  
479 not be acceptable. An oblique street should be curved approaching an intersection and  
480 should be approximately at right angles for at least one-hundred feet (100'). No more than  
481 two (2) streets shall intersect at any one (1) point unless specifically approved by the City  
482 Commission.  
483 b) Minimum curb radii at the intersection of two (2) local streets shall be at least twenty feet  
484 (20'), and a minimum curb radius at an intersection involving a collector street shall be at  
485 least twenty-five feet (25'). Abrupt changes in alignment within a block shall have the  
486 corners cut off in accordance with standard engineering practice to permit safe vehicular  
487 movement.  
488

489 9. Radii. All curve radii shall be a minimum of twenty-five feet (25').  
490

491 **Architectural Design Standards**

492 The Development shall adhere to the Architectural Design Standards found in the City of  
493 Newberry Land Development Regulations, Section 4.2.36.  
494

495 **Utilities**

- 496 1. Location. Utility locations shall be within ten-foot (10') public utility easements along the  
497 front of lot lines abutting streets. These easements shall contain boxed conduits for  
498 consolidated and compact utility provision. Extra slots shall be provided in the boxed  
499 conduit for the future provision of natural gas or fiber optic communication. Utilities may  
500 also be located within the street right of way in accordance with the provisions of Article 5  
501 and Appendix A of the Land Development Regulations.  
502 2. Easements. Utility easements shall be provided within that portion of the lots that are  
503 provided for right-of-way purposes. Normally, utility easements across lots or centered on  
504 rear or side lot lines will not be permitted. Where, due to topography or other circumstances  
505 beyond the control of the Developer, such easements are deemed by the City Public Works  
506 Department to be necessary to the reasonable development of the property, such easements  
507 shall be at least fifteen feet (15') wide and centered as near as practical between the lots.  
508

509 **Open Space (private)**

510 The Common Open Space shall be owned and operated by the Developer or dedicated to and  
511 maintained by the property owners' association. This area shall not be used for common open or  
512 enclosed storage.  
513

514 **Restrictions.** Developer will cause deed restrictions to be recorded against the property to  
515 assure a quality development and give recourse to those who will own individual residential units  
516 in the development to enforce said restrictions. Such deed restriction shall be provided at the  
517 time the construction drawings are submitted for review and approval of the City Commission.  
518

519 **VII. Private Drives, Parking Areas.**

520 All private drives and parking areas (including sidewalks) as shown on construction plans as  
521 filed and approved by the City Commission, shall be continually maintained by the Developer or  
522

property owners' association after turnover by the Developer, as provided within the City's Land Development Regulations. Every residential unit or other use permitted in the PD shall have access by way of a private driveway. Except as provided elsewhere, all driveways shall be constructed as described within the Preliminary Master Development Plan and Section 4.2.15.2 of the City of Newberry Land Development Regulations. The common area shall be owned and operated by the Developer or dedicated to and maintained by a property owners' association. The developer, as part of the construction drawings, shall include provisions for multi-modal transportation opportunities such as sidewalks within the development.

#### **VIII. Stormwater Management and Flood Protection Requirements:**

The Developer will acquire the necessary stormwater management permits from the Suwannee River Water Management District and will comply with the City of Newberry Land Development Regulations, Articles 7 and 8. All stormwater management facilities shall be owned and operated by the Developer or dedicated to and maintained by a property owners' association.

#### **IX. Utilities:**

1. Location. Utility locations will be approved by the City of Newberry Utility Department upon submittal of construction drawings.
2. Easements. Easements shall be established as part of the construction drawing approval process. A blanket easement shall be provided to City Utilities in the interim until exact locations are determined.
3. Maintenance. Ownership of all public utilities, roadways, and water and sewer facilities, shall be transferred to the City upon completion of an inspection one-year after facility construction is completed. Infrastructure maintenance shall be the responsibility of the City.

#### **X. Multi- Modal Transportation Improvements**

The Developer as part of the construction drawings shall include provisions for multi-modal transportation opportunities where feasible to include some of the following requirements of the Transportation Enhancement Area, to be determined by the City General Services Administration:

1. Shuttle service from Development to Downtown Newberry
2. Addition of dedicated turn lanes into and out of the development;
3. Construction of bus shelter built to City specifications;
4. Construction of bus turn out facilities;
5. Construction of public sidewalks to increase pedestrian mobility and safety; and
6. Provision of land for the addition and construction of bicycle to City specifications.

#### **X. Permitting:**

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. This Preliminary Master Development Plan Order does not contemplate the issuance of a certificate of concurrency compliance with respect to level of service, including, but not limited to public schools, potable water, sanitary sewer, solid waste,

stormwater, and recreation. Transportation concurrency shall be vested based on completed improvements to SW 30<sup>th</sup> Avenue funded by the Developer. The Developer shall be responsible for the mitigation of impacts as set out in the several and cumulative City ordinances. In addition, as all outside agency permits have not been issued at the time of the approval of this development order, this Order shall be effective subject to compliance with the permitting of such outside agencies. Minor changes to this Order may be made to comply with provisions of outside agency permitting, subject to City approval.

### **Water and Wastewater**

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 makes no representation as to available water and wastewater capacity at any time in the future.

Section 4. That, this Order shall be binding upon the Applicant, assigns, or successors-in-interest.

Section 5. That, it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality that 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 Order.

Section 6. That, this Order shall take effect immediately upon the effective date of Ordinance No.2021-12.

Section 7. That, in the event that any portion or Section of this Order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this Order shall remain in full force and effect.

Section 8. Conflict. All development orders or parts of development orders in conflict herewith are, to the extent of such conflict, hereby repealed.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, the 12<sup>th</sup> day of April, 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 18<sup>th</sup> day of February, 2021 and on the 1<sup>st</sup> day of July, 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 12<sup>th</sup> day of July, 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