

CITY OF NEWBERRY

ORDINANCE NO. 07-15

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, RELATING TO AMENDMENTS TO AN ADOPTED DEVELOPMENT AGREEMENT AND DEVELOPMENT ORDER FOR NEWBERRY CORNERS PLANNED DEVELOPMENT TO CORRECT SCRIVENERS ERRORS AND CLARIFY LANGUAGE, OF CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA; 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 15-02 for an amendment, as described below, has been filed with the City;

WHEREAS, pursuant to Section 166.041, Florida Statutes, as amended, the City Commission 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 City Commission reviewed and considered all comments received during said public hearing, 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 ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA, AS FOLLOWS:

Section 1. The approved Planned Development, LDR 13-03, is hereby amended pursuant to LDR 15-02 (stated as follows), which is an application by M3 Newberry, LLC, to correct scrivener's errors and clarify language in the associated Development Agreement and Development Order that govern development on approximately 40 acres, more or less, described as follows:

PARCEL NUMBER: 01894-003-000

Commence at the Southeast corner of Section 33, Township 9, South, Range 17 East, and run South 88 deg. 17 min. 25 sec. West along the South line of said section, 105.74 feet to the West right of way line of State Road No. 45 (184 foot right of way); thence run North 02 deg. 12 min. 40 sec. West along said right of way line 931.33 feet to the point of Beginning; thence run South 88 deg. 26 min. 30 sec. West, 1360.27 feet; thence run North 02 deg. 12 min. 40 sec. West, 1276.02 feet; thence run North 88 deg. 26 min. 30 sec. East, 1378.62 feet to a point on the West right of way line of said State Road No. 45, said point being on a curve having an internal angle of 01 deg. 59 min. 10 sec., a radius of 34,469.47 feet and being concave to an Easterly direction; thence run Southeasterly along the arc of said right of way curve 1021.23 feet to the point of curvature of said curve; thence run South 02 deg. 12 min. 40 sec. East along said right of way line 254.84 feet to the Point of Beginning. All being and lying in the Southeast 1/4 of Section 33, Township 9 South, Range 17 East, Alachua County, Florida.

Section 2. Development Order No. 15-02, dated June 8, 2015 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 Order shall be deemed a violation of the Land Development Regulations.

Section 3. The amended Development Agreement between the City of Newberry and M3 Newberry, LLC, 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 4. 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 5. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

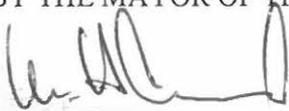
Section 6. Effective Date. This ordinance shall be adopted upon the date provided below as passed, but shall only become effective upon the execution of the Development Agreement referenced in Section 4.

Section 7. 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.

First reading was held on the 26th day of May, 2015.

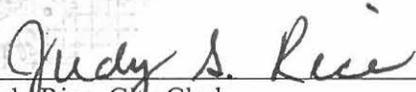
DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 8th day of June, 2015.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA



Honorable William H. Conrad, Mayor

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



Judy Rice, City Clerk

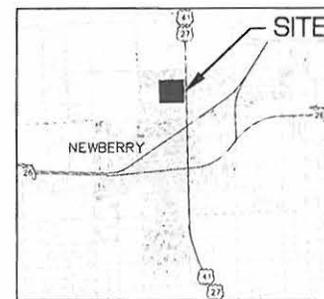
APPROVED AS TO FORM AND LEGALITY:



S. Scott Walker, City Attorney

NEWBERRY CORNERS PLANNED DEVELOPEMENT

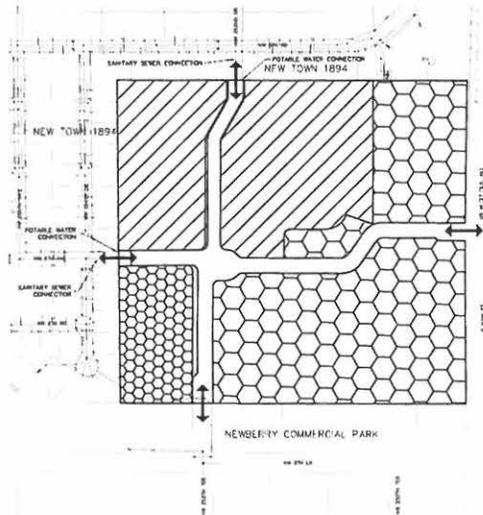
CITY OF NEWBERRY, FLORIDA



VICINITY MAP
N.T.S.

NEWBERRY CORNERS PLANNED DEVELOPEMENT

1. LAND USES, LOTS, AND STREETS TO BE DEVELOPED SHALL BE SHOWN ON THIS PLAN. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWBERRY, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION.



LAND USE LEGEND

PROPOSED USES	280 UNITS	
RESIDENTIAL	70 UNITS	
SINGLE FAMILY	210 UNITS (MAY BE CONVERTED TO SINGLE FAMILY UNITS AT A 1 TO 1 RATIO)	
MULTIFAMILY		
NON RESIDENTIAL	120,000 SF	
MIXED USE COMMERCIAL AREA RESIDENTIAL AND NON RESIDENTIAL USES AS DESIGNATED WITHIN THE DEVELOPMENT ORDER		(18.5 AC ±)
MIXED USE RESIDENTIAL AREA RESIDENTIAL AND LIMITED NON RESIDENTIAL USES AS SPECIFIED WITHIN THE DEVELOPMENT ORDER		(3.6 AC ±)
SINGLE FAMILY RESIDENTIAL AREA		(13.9 AC ±)
CONCEPTUAL INTERNAL ROAD NETWORK PRIMARY STREETS (SHOWN ON MASTER PLAN) - 50 FT RIGHT OF WAY MINIMUM - DEDICATED TO PUBLIC SECONDARY STREETS (NOT SHOWN ON MASTER PLAN) - 30 FT RIGHT OF WAY MINIMUM - PRIVATELY MAINTAINED		(4.0 AC ±)
CONCEPTUAL EXTERNAL INTERCONNECTIVITY POINTS		

- NOTES**
1. LAND USE AREAS ARE CONCEPTUAL AND SUBJECT TO MODIFICATIONS AT THE DEVELOPMENT REVIEW STAGE.
 2. COMMERCIAL DEVELOPMENT NOT PERMITTED IN THE MIXED USE AREA LOCATED IN THE SW QUADRANT (ABUTTING NEW TOWN 1894).
 3. IF DESIRED, SINGLE FAMILY RESIDENTIAL AREA MAY BE EXPANDED INTO THE MIXED USE RESIDENTIAL AREA AND MIXED USE COMMERCIAL AREA, BUT SUCH SINGLE FAMILY RESIDENTIAL AREA SHALL SUPPLANT THE MIXED USE CATEGORY IN A ONE TO ONE ACREAGE RATIO AND SUCH EXPANSION MAY OCCUR THROUGHOUT ALL OR A PORTION OF THE ENTIRE PROPERTY.

