

ORDINANCE NO. 1417-21

AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA, APPROVING A REZONING - PUD (PLANNED UNIT DEVELOPMENT) MASTER PLAN AMENDMENT FOR ROBERT H GAGNE TRUST; FOR PARCELS: 23-26-21-0020-06500-0000, 24-26-21-0010-07200-0000, 23-26-21-0020-08000-0000, 24-26-21-0010-07100-0000, 24-26-21-0010-05800-0000, 24-26-21-00400-0010, 23-26-21-0020-09700-0000, 24-26-21-0010-10100-0000 PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has been given authority by the State of Florida pursuant to Chapter 163 and 166, Florida Statutes, to rezone property within the City Limits upon receipt of written consent of the land owner, together with the approval of the City Council of said rezoning duly expressed by Ordinance; and

WHEREAS, due public notice of hearing on the proposed rezoning was given by the City Council, as required by the Zephyrhills Land Development Code, as amended, and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the Planning Commission, sitting as the Local Planning Agency, did hold a public hearing on April 20, 2021 to consider said proposed Rezoning - PUD Master Plan amendment and has recommended approval; and

WHEREAS, the City Council has determined that the PUD (PLANNED UNIT DEVELOPMENT) zoning - master plan amendment would be appropriate, would promote the general welfare, and would encourage proper development within the City; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of the City of Zephyrhills, Florida, as follows:

SECTION 1: The above Whereas clauses are hereby adopted and incorporated herein.

SECTION 2: This Ordinance is enacted pursuant to chapter 163, Florida Statutes, and under the home rule power of the City.

SECTION 3: The following described lands, lying and being situated in Pasco County, to wit: **Legal description attached hereto as Exhibit "A" and by reference made apart hereof are being amended in accordance with the PUD Plan and Conditions of Approval.**

SECTION 4: A "PUD" Plan is attached hereto as Exhibit "B" and by reference made apart hereof.

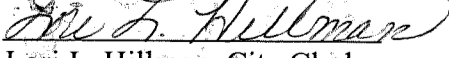
SECTION 5: The "Conditions of Approval" are attached hereto as Exhibit "C" and by reference made apart hereof.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 8: This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

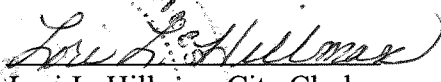
The foregoing Ordinance No. 1417-21 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 24th day of May, 2021.

Attest: 
Lori L. Hillman, City Clerk


W. Alan Knight, Council President

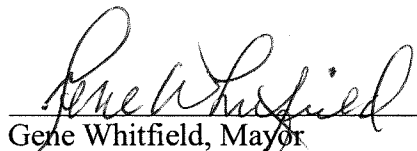
The foregoing Ordinance No. 1417-21 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 14th day of June, 2021.

Attest:

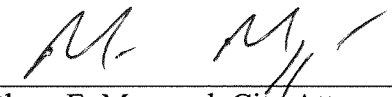

Lori L. Hillman, City Clerk


W. Alan Knight, Council President

The foregoing Ordinance No. 1417-21 was approved by me this 14th day of June, 2021.


Gene Whitfield, Mayor

Approved as to legal form and legal content
for the reliance of the City of Zephyrhills only:


Matthew E. Maggard, City Attorney

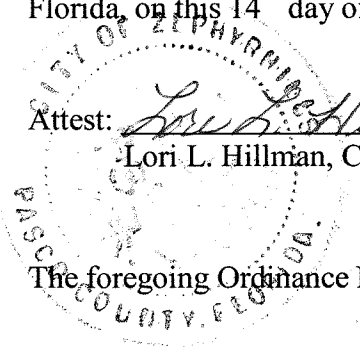


Exhibit "A"

J:\1000\Dwgs\LS\1000_LS01_Gagne Parcel.dwg - Feb 04, 2021 @ 9:49am - lsuttlehan

THIS IS NOT A SURVEY

THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY

THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A TITLE POLICY

BEARINGS ARE BASED UPON: SEE SKETCH AND LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land being a portion of TRACTS 65, 66 and 79 in Section 23, Township 26 South, Range 21 East, and a portion of TRACTS 56 and 57 in Section 24, Township 26 South, Range 21 East, together with portions of Right-of-Ways, ZEPHYRHILLS COLONY COMPANY, as recorded in Plat Book 1, page 55 of the Public Records of Pasco County, Florida, together with a portion of the Southeast 1/4 of the Northeast 1/4 of Section 23, Township 26 South, Range 21 East, together with a portion of the Northwest 1/4 of the Southwest 1/4 of Section 24, Township 26 South, Range 21 East, all of Pasco County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of Section 24, Township 26 South, Range 21 East, of Pasco County, Florida; thence S01°47'15"W, along the West line of the Northwest 1/4 of said Section 24, (being the basis of bearings for this legal description), for 81.76 feet to the point of intersection with the Westerly line of the CSX Railroad Right-of-Way, same being the point of intersection with a non-tangent curve, concave Northeasterly, same also being the Northeast corner of that certain property as described in Official Records Book 7964, page 1218 of the Public Records of Pasco County, Florida; thence the following three (3) courses along the East and South lines of said certain property as described in Official Records Book 7964, page 1218; (1) thence Southeasterly along said Westerly line of the CSX Railroad Right-of-Way, along the arc of said curve, with a radial bearing of N68°31'55"E, having a radius of 4,643.87 feet, a central angle of 04°47'51", an arc length of 388.83 feet, and a chord bearing S23°52'00"E, for 388.72 feet, to the point of tangent; (2) thence continue along said Westerly line of the CSX Railroad Right-of-Way, S25°21'34"E, for 2,252.90 feet to the point of intersection with the North Right-of-Way line of Chancey Road; (3) thence leaving said Westerly line of the CSX Railroad Right-of-Way, S76°02'04"W, along said North Right-of-Way line of Chancey Road, for 980.66 feet to the POINT OF BEGINNING; thence the following four (4) courses along said North Right-of-Way line of Chancey Road; (1) thence continue S76°02'04"W, for 257.18 feet to REFERENCE POINT A, same being the point of intersection with the West line of the Southwest 1/4 of said Section 24; (2) thence N00°17'02"E, along said West line of the Southwest 1/4 of Section 24, for 20.63 feet; (3) thence leaving said West line of the Southwest 1/4 of Section 24, S76°02'04"W, for 895.13 feet; (4) thence N65°34'33"W, for

NOTE: THE GEOMETRY PERTAINING TO THE PARCEL OF LAND DESCRIBED HEREIN IS BASED UPON THAT CERTAIN BOUNDARY SURVEY TITLED "RUCKS - ZEPHYRHILLS", PREPARED BY HEIDT & ASSOCIATES, INC, JOB NUMBER BGA-RP-003, DATED 8-11-04, AND THE RECORD DOCUMENTS AS REFERENCED HEREON AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.

PREPARED FOR:

GAGNE TRUST

SHEET DESCRIPTION:

GAGNE PARCEL ZEPHYRHILLS

SCALE: NONE	DATE: 2-3-2021	DRAWN: LCS	CALCD: JTP	CHECKED: JTP
JOB No.: 2020-65	EPN: 1000	SECTION: 23 & 24	TOWNSHIP: 26S	RANGE: 21E

SEE SHEETS 1-3 FOR LEGAL DESCRIPTION
SEE SHEETS 4-5 FOR SKETCH & LEGEND



FLORIDA DESIGN CONSULTANTS, INC.
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20525 AMBERFIELD DRIVE, SUITE 201, LAND O LAKES, FLORIDA 34638
PHONE: (800) 532-1047 FAX: (727) 848-3648 WWW.FLDESIGN.COM LB NO 6707

NO T V A L I D W I T H O U T O R I G I N A L S I G N A T U R E A N D S E A L O F A F L O R I D A L I C E N S E D S U R V E Y O R A N D M A P P E R

STATE OF

JARED T. PATENAÚDE
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER: LS 6971
STATE OF FLORIDA

Exhibit "A"

J:\1000\Dwgs\LS\1000_LS01_Gagne Parcel.dwg - Feb 04, 2021 @ 9:49am - lsuttlehan

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BEARINGS ARE BASED UPON: SEE SKETCH AND LEGAL DESCRIPTION

46.17 feet to the point of intersection with the East Right-of-Way of State Road 39; thence N30°55'42"W, along said East Right-of-Way of State Road 39, for 309.46 feet; thence N27°12'50"W, continuing along said East Right-of-Way of State Road 39, for 399.99 feet to a Westerly corner of said certain property as described in Official Records Book 7964, page 1218; thence the following eleven (11) courses along said South line of that certain property as described in Official Records Book 7964, page 1218; (1) thence leaving said East Right-of-Way of State Road 39, N73°55'48"E, for 849.08 feet; (2) thence N50°30'00"E, for 316.09 feet; (3) thence S39°30'00"E, for 339.49 feet; (4) thence S07°47'10"W, for 25.05 feet; (5) thence S06°53'03"E, for 56.97 feet; (6) thence S26°21'57"E, for 84.10 feet; (7) thence S40°20'05"W, for 58.36 feet; (8) thence S00°59'46"E, for 46.71 feet; (9) thence S60°50'02"E, for 15.29 feet; (10) thence S87°14'09"E, for 135.92 feet; (11) thence S13°59'13"E, for 304.02 feet to the POINT OF BEGINNING.

Containing 918,619 square feet or 21.089 acres, more or less.

TOGETHER WITH

A parcel of land being a portion of TRACTS 65, 79, 80, 97, 112 and 113 in Section 23, Township 26 South, Range 21 East, and TRACTS 103, 104, 105, 106, 107, 118, 119, 122, 123 and a portion of TRACTS 58, 102, 108, 117, 120, 121 and 124 in Section 24, Township 26 South, Range 21 East, together with portions of Right-of-Ways, ZEPHYRHILLS COLONY COMPANY, as recorded in Plat Book 1, page 55 of the Public Records of Pasco County, Florida, together with a portion of the Northwest 1/4 of the Southwest 1/4 and the Northeast 1/4 of the Southwest 1/4, of Section 24, Township 26 South, Range 21 East, all of Pasco County, Florida, being more particularly described as follows:

COMMENCE at said REFERENCE POINT A; thence S00°17'02"W, along the West line of the Southwest 1/4, of Section 24, Township 26 South, Range 21 East, all of Pasco County, Florida (being the basis of bearings for this legal description), for 123.84 feet to the point of intersection with the South Right-of-Way line of Chancey Road, same being the POINT OF BEGINNING; thence leaving said West line of the Southwest 1/4, of Section 24, N76°02'04"E, along said South Right-of-Way line of Chancey Road, for 1,292.50 feet to the point of

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PREPARED FOR:

GAGNE TRUST

SHEET DESCRIPTION:

GAGNE PARCEL ZEPHYRHILLS

SCALE: NONE	DATE: 2-3-2021	DRAWN: LCS	CALCED: JTP	CHECKED: JTP	SEE SHEETS 1-3 FOR LEGAL DESCRIPTION SEE SHEETS 4-5 FOR SKETCH & LEGEND
JOB No.: 2020-65	EPN: 1000	SECTION: 23 & 24	TOWNSHIP: 26S	RANGE: 21E	

FLORIDA DESIGN
CONSULTANTS, INC.

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NOT VALID WITHOUT ORIGINAL
SIGNATURE AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

DATE: 2/4/21

JARED T. PATENAUDE
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER: LS 6971
STATE OF FLORIDA

Exhibit "A"

J:\1000\Dwgs\LS\1000_LS01_Gagne Parcel.dwg - Feb 04, 2021 @ 9:49am - lsuttiehan

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intersection with the Westerly line of the CSX Railroad Right-of-Way; thence leaving said South Right-of-Way line of Chancey Road, S25°21'34"E, along said Westerly line of the CSX Railroad Right-of-Way, for 986.42 feet; thence continue along said Westerly line of the CSX Railroad Right-of-Way, S25°23'23"E, for 1,969.26 feet to the point of intersection with the South line of TRACT 124 in Section 24, Township 26 South, Range 21 East, ZEPHYRHILLS COLONY COMPANY, as recorded in Plat Book 1, page 55 of the Public Records of Pasco County, Florida; thence leaving said Westerly line of the CSX Railroad Right-of-Way, N89°55'25"W, along the South lines of TRACTS 124, 123, 122 and 121, respectively, in said Section 24, Township 26 South, Range 21 East, ZEPHYRHILLS COLONY COMPANY, for 2,269.77 feet to the point of intersection with the East Right-of-Way of State Road 39; thence leaving said South line of TRACT 121, N27°12'20"W, along said East Right-of-Way of State Road 39, for 1,392.36 feet; thence leaving said East Right-of-Way of State Road 39, N82°54'15"E, for 367.70 feet; thence S89°42'58"E, for 15.00 feet to the point of intersection with said West line of the Southwest 1/4 of Section 24; thence N00°17'02"E, along said West line of the Southwest 1/4 of Section 24, for 687.23 feet; thence leaving said West line of the Southwest 1/4 of Section 24, S89°18'49"W, along the Easterly extension of the South line of TRACT 80 and the South lines of TRACTS 80 and 79, respectively, in said Section 24, Township 26 South, Range 21 East, ZEPHYRHILLS COLONY COMPANY, for 742.26 feet to the point of intersection with said East Right-of-Way of State Road 39; thence leaving said South line of TRACT 79, N24°04'04"W, along said East Right-of-Way of State Road 39, for 151.08 feet to the point of intersection with said South Right-of-Way line of Chancey Road; thence N24°25'27"E, for 42.76 feet; thence N76°02'04"E, continuing along said South Right-of-Way line of Chancey Road, for 811.94 feet to the point of intersection with said West line of the Southwest 1/4, of Section 24; thence N00°17'02"E, continuing along said South Right-of-Way line of Chancey Road, same being said West line of the Southwest 1/4, of Section 24, for 20.63 feet to the POINT OF BEGINNING.

Containing 5,147,034 square feet or 118.160 acres, more or less.

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PREPARED FOR:

GAGNE TRUST

SHEET DESCRIPTION:

GAGNE PARCEL ZEPHYRHILLS

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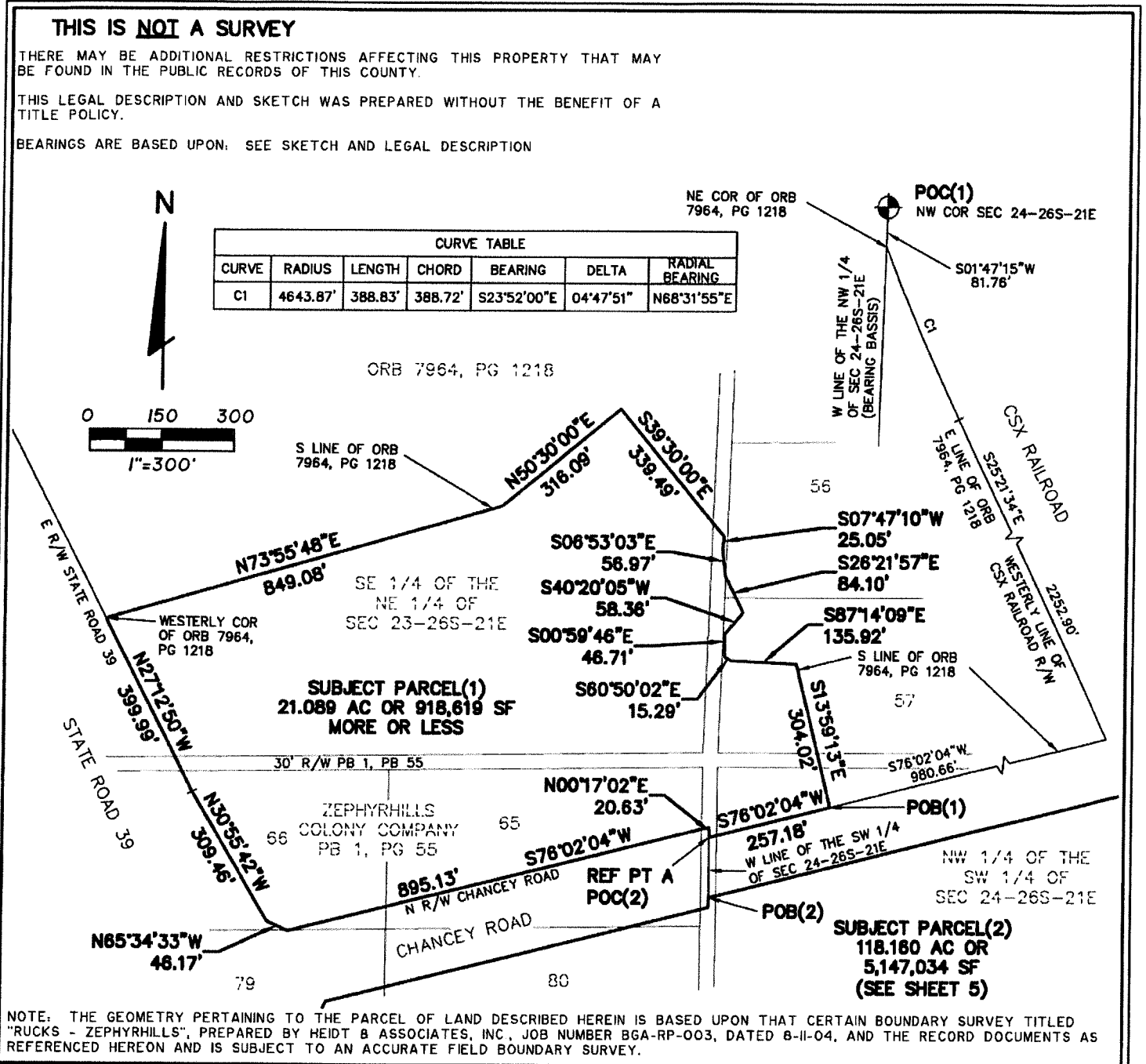
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LICENSED SURVEYOR AND MAPPER

DATE OF **2-4-21**

JARED T. PATENAUDE
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER LS 6971
STATE OF FLORIDA

Exhibit "A"

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PREPARED FOR: **GAGNE TRUST**

SHEET DESCRIPTION: **GAGNE PARCEL ZEPHYRHILLS**

SCALE: 1"=300'	DATE: 2-3-2021	DRAWN: LCS	CALCED: JTP	CHECKED: JTP
JOB No.: 2020-65	EPN: 1000	SECTION: 23 & 24	TOWNSHIP: 26S	RANGE: 21E

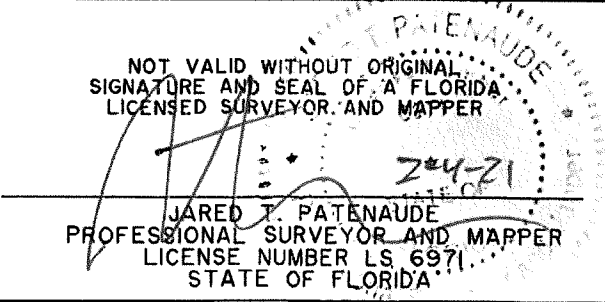
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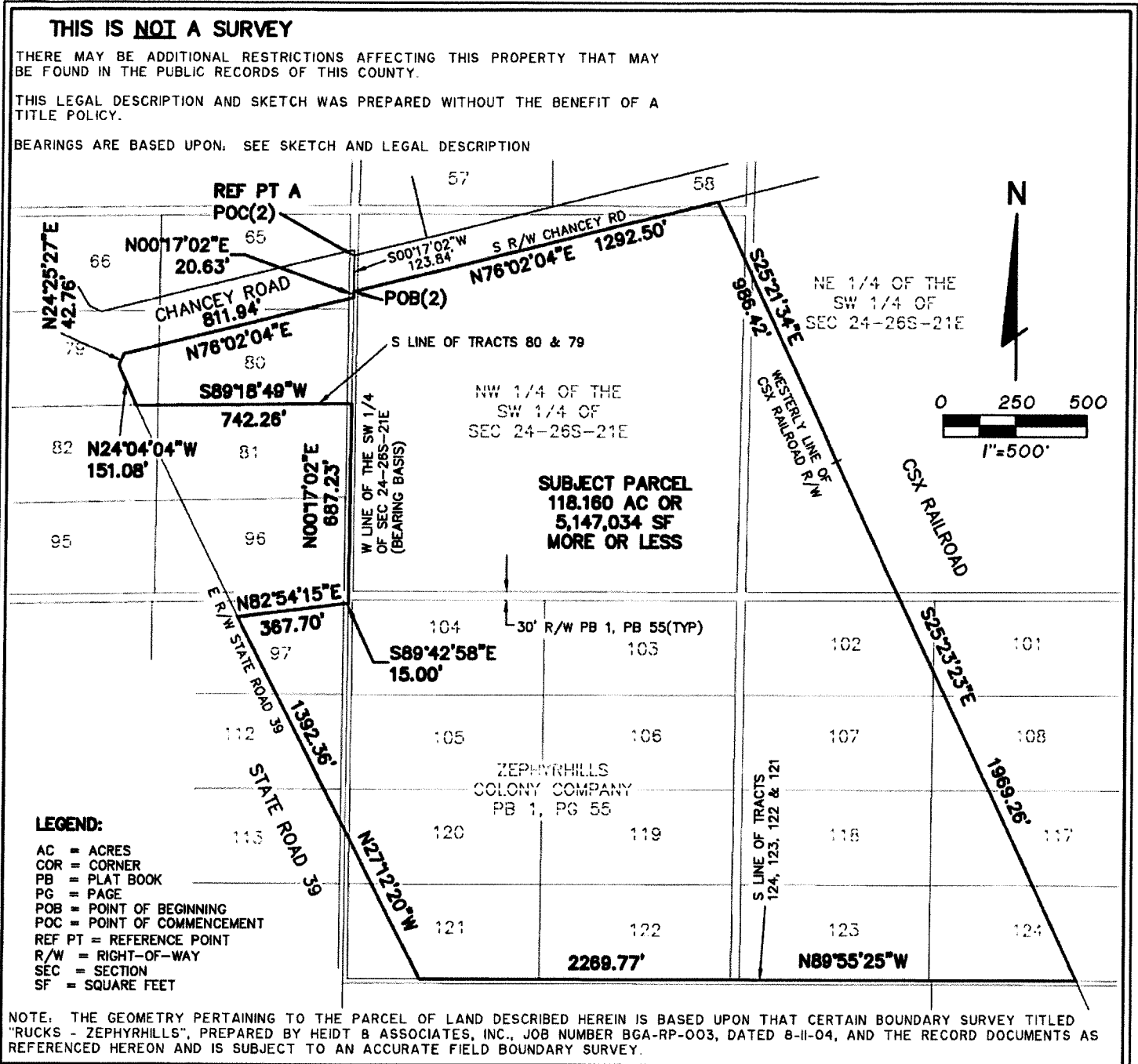
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PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER LS 6971
STATE OF FLORIDA

Exhibit "A"

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PREPARED FOR: **GAGNE TRUST**

SHEET DESCRIPTION: **GAGNE PARCEL ZEPHYRHILLS**

SCALE: 1"=500'	DATE: 2-3-2021	DRAWN: LCS	CALCED: JTP	CHECKED: JTP
JOB No.: 2020-65	EPN: 1000	SECTION: 23 & 24	TOWNSHIP: 26S	RANGE: 21E

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JARED T. PATENAUDE
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER LS 6971
STATE OF FLORIDA

**GAGNE
PARCEL
ZEPHYRHILLS**

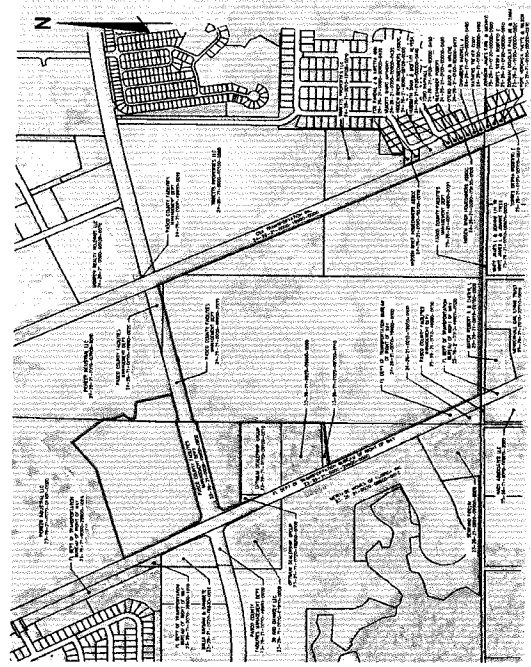
PROJECT NAME:
**REZONING AMENDMENT
MAP SERIES**

OWNER:
ROBERT H. GAGNE TRUST

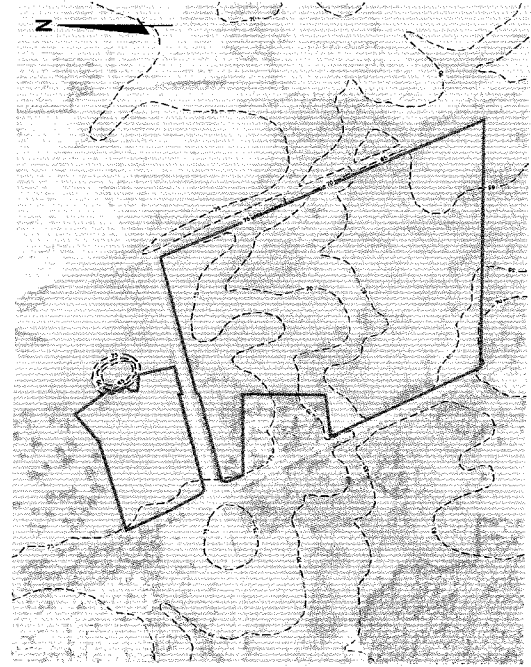


**FLORIDA DESIGN
CONSULTANTS, INC.**
10000 W. BOYD AVE., SUITE 200
DUNEDIN, FL 34626
TEL: 727-953-8800
FAX: 727-953-8801
WWW: WWW.FDCON.COM

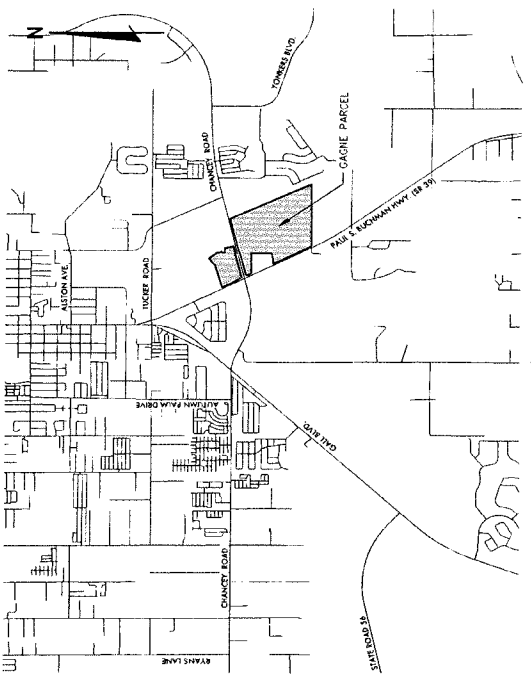
Exhibit "B"



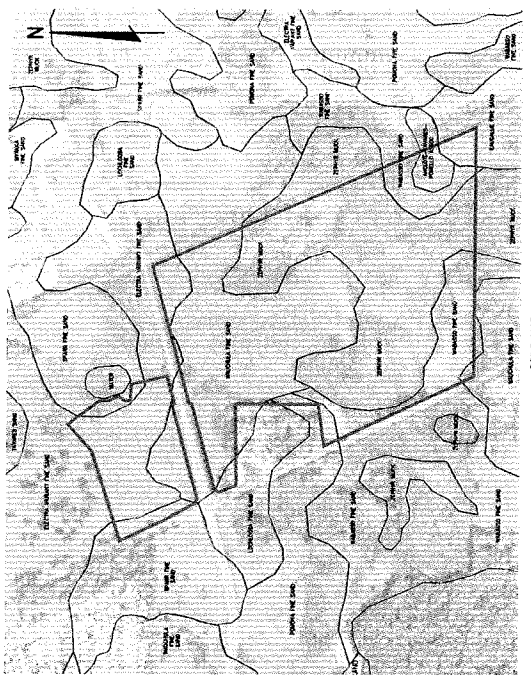
AERIAL, WT.-4, 200' NOTICING DISTANCE



CONTOUR MAP



SITE PLAN MAP



SOIL S. MAP

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PROJECT NAME
**GAGNE
 PARCEL
 ZEPHYRHILLS**

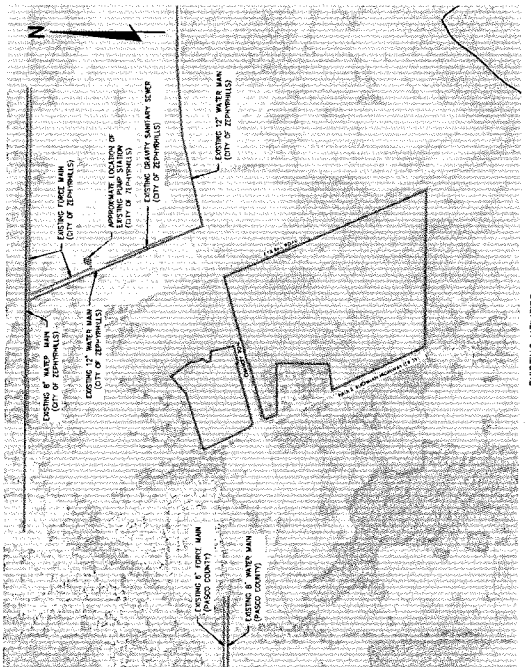
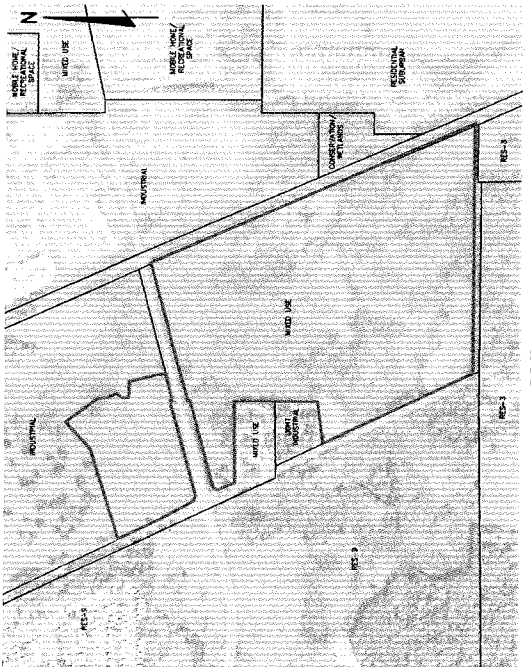
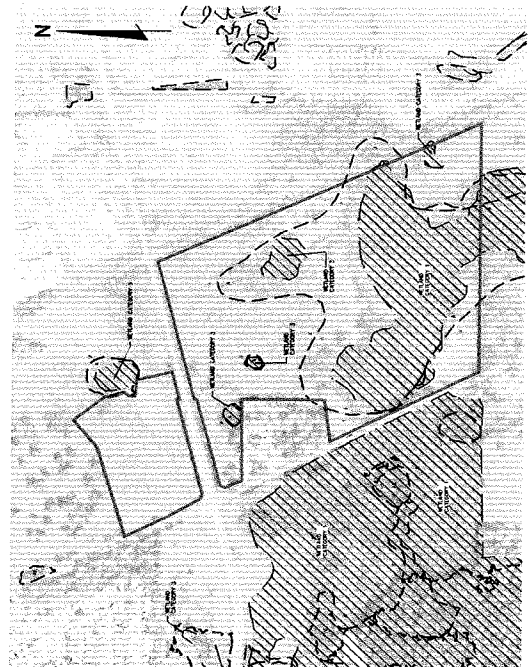
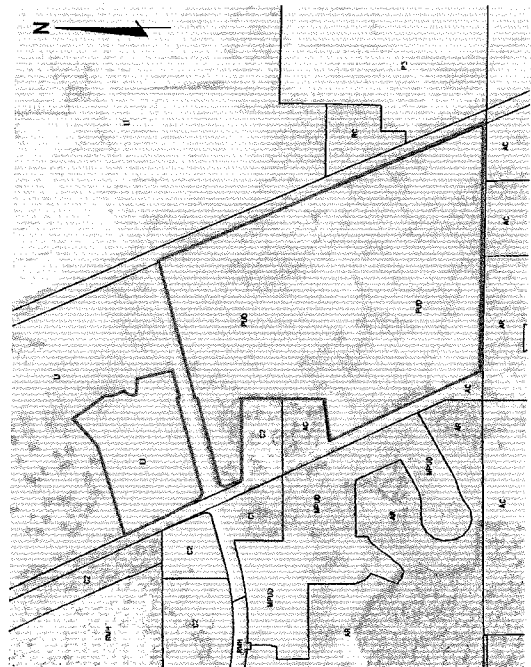
SUBJECT NAME
**REZONING AMENDMENT
 MAP SERIES**

PREPARED BY
ROBERT H. GAGNE TRUST

**FLORIDA DESIGN
 CONSULTANTS, INC.**
 11000 W. US HWY 1, SUITE 100
 TAMPA, FL 33613
 TEL: 813.289.1100
 FAX: 813.289.1101
 WWW: WWW.FLORIDACONSULTANTS.COM

DATE: 02/20/2013
 DRAWN BY: CMW
 CHECKED BY: JLT

Exhibit "B"



PROJECT NAME
**GAGNE
 PARCEL
 ZEPHYRHILLS**

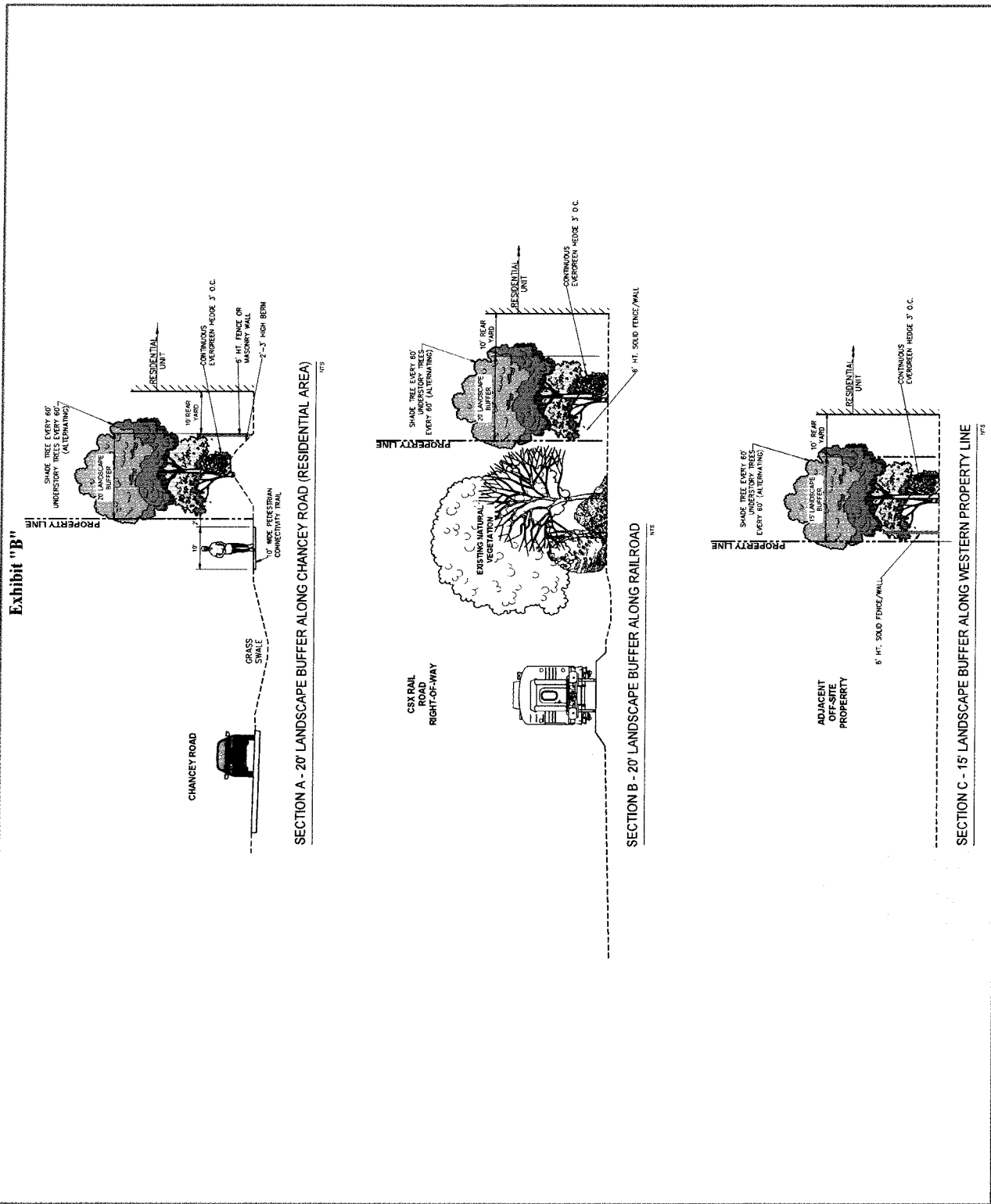
SHEET NAME
LANDSCAPE BUFFERS

PREPARED FOR
ROBERT H. GAGNE TRUST

**FLORIDA DESIGN
 CONSULTANTS, INC.**

2225 UNIVERSITY BLVD., SUITE 200, WEST PALM BEACH, FL 33411
 TEL: 561-833-8337 FAX: 561-833-8338 WWW.FLORIDACONSULTANTS.COM

DATE: 07/24/2013
 DRAWN BY: JACOB
 CHECKED BY: JACOB
 SCALE: AS SHOWN
 SHEET NUMBER: 12 of 12



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Exhibit "C"

GAGNE- CHANCEY ROAD PLANNED UNIT DEVELOPMENT CONDITIONS OF APPROVAL

Master Development Plan

1. Development shall be in accordance with the plans and information submitted February 25, 2021; the Land Development Code (LDC); and the Comprehensive Plan unless otherwise stipulated or modified herein.

Environmental

2. Applicant/developer shall provide all environmental permits as required by applicable law.
3. If during construction activities any evidence of the presence of State or Federally protected plant and/or animal species is discovered, the City of Zephyrhills and applicable agencies shall be notified within two working days of the plant and/or animal species found on the site. All work in the affected area shall come to an immediate stop until all pertinent permits have been obtained, agency written authorization to commence activities has been given, or unless compliance with state and federal guidelines can be demonstrated.

Open Space/Buffering

4. The developer(s) shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association(s) in the form of a nonprofit corporation(s) registered with the State of Florida, Secretary of State, or, if approved, by the City of Zephyrhills City Council, a Community Development District (CDD). This association(s) or District shall, taken collectively, encompass the entire boundaries of the PUD except for any real property to be conveyed to the County or the District School Board of Pasco County (School Board) – if applicable. The developer(s) shall convey in fee simple to the association(s) or the CDD, for ownership and maintenance, any open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the City. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the State of Florida, Secretary of State, restrictive covenants, and all exhibits shall be submitted to the Planning Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD that funded such improvements as applicable.

Transportation/Circulation

5. Applicant / Developer shall be required to submit an updated traffic study with future construction plans / plats to identify access management / operational required improvements. Applicant / Developer shall not be entitled to transportation impact fee credits for site access improvements into the project or the multi-purpose trail.
6. The traffic study submitted by the applicant assumes a maximum of 175,000 square feet of retail, 138 single family detached residential units and 80 multi-family residential units. Subject to land use exchanges permitted by the Land Use Equivalency Matrix attached hereto as Exhibit "A" (the "LUEM") or other land use exchanges approved by the Planning Director as hereinafter described, any development of land use(s) that generate(s) greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by the City.

Exhibit "C"

7. Applicant/developer shall install as part of each phase of development a 10' wide multi-use trail along the south side of Chancey Road for the portion of such road that is adjacent to the subject development. If there is insufficient space for the construction of the trail within the right-of-way (after accounting for the proposed thru lanes, turn lanes and other improvements in the right-of-way), such trail may be located, in whole or in part, within the landscape buffer along Chancey Road for the project, provided that an easement is given to the City for the use of the multi-use path by the public prior to the issuance of a certificate of occupancy for the applicable phase of development.
8. Street connections to Chancey Road and Paul S Buchman Road from the project shall be provided as shown on the Master Plan. Any additional right-of-way required for such connections may be required of Applicant/developer and construction of said improvements and not be entitled to transportation impact fee credits.
9. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than the City. City of Zephyrhills will not be responsible for the maintenance of any private streets.

Design/Construction Specifications

10. If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered, work shall come to an immediate stop, and the Florida Department of Historic Resources (State Historic Preservation Officer) and the City of Zephyrhills shall be notified within two working days of the resources found on the site.
11. As provided in Chapter 190, Florida Statutes, and subject to the City's separate approval, a CDD is hereby authorized to undertake the funding and construction of any of the projects, whether within or outside the boundaries of the CDD that are identified within this rezoning approval. Further, any obligations of the developer contained in this approval may be assigned to a CDD, homeowners'/property owners' association, or other entity approved by the County. However, such CDD shall not be authorized to levy assessments on any property either owned or to be owned by the City or School Board (Public Properties) that are located within the boundary of the CDD. All applicable documents pertaining to the undertaking of funding and construction by the CDD shall reflect the following:
 - a. Public Properties shall not be considered benefited properties and shall not be assessed by the CDD.
 - b. No debt or obligation of such CDD shall constitute a burden on any Public Property.

Utilities/Water Service/Wastewater Disposal

12. Utility plans for the entire development shall be submitted to the Utilities Department for review and approval prior to or concurrent with submittal of the construction plans. This utility plan shall show, at a minimum, the following:
 - a. Trunk sewer lines and lift stations.
 - b. Main potable water lines and non-potable water lines, if applicable.
 - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a non-potable water system for irrigation.
 - d. The Utility plans shall include *AutoCAD* and PDF electronic files and hydraulic analysis for the water, wastewater, and reclaimed water systems within the proposed development.
13. The developer(s) shall construct all water and wastewater facilities within the development to current City standards. A complete set of standards may be obtained from the Utilities Department.

Exhibit "C"

Land Use

14. The following entitlements are approved for the PUD: 175,000 square feet of retail, 138 single family detached residential units and 80 multi-family residential units. The foregoing entitlements may be exchanged in accordance with the LUEM. In the event a permitted land use as approved by the PUD is not specifically listed in the LUEM, a trip use equivalency may be provided to document the trip generation of the permitted land use is the same (equal to or less than) as an approved land use. The trip generation shall be based on the pm peak hour rates contained in the ITE Trip Generation Manual, 10th ed. Land use exchange requests shall be submitted to the Planning Director or designee for verification as to implementation and administrative approval in accordance with the LUEM and shall not constitute an amendment to the PUD.
15. The permitted primary uses include uses set forth below.
- A. Mixed Use Area- Permitted primary uses shall include, without limitation:
1. Hotel;
 2. Retail;
 3. Office;
 4. Industrial flex space, which may include flex space, light manufacturing, assembly wholesale, distribution, breweries and distilleries, cargo services, carpet and flooring, construction/service/trade offices, drug/medication processing, fabrication/welding, food processing/distribution, freight transportation, greenhouse/indoor farms, laboratory testing, machinery supplies, material handling/storage, medical suppliers, paint booths, publishing and printing services, technological services, and trucking companies (vehicle manufacturing, towing services and ready-mix concrete plants are not permitted uses); and
 5. Other uses permitted by the C-2 zoning district, provided that auction houses, flea markets, RV/boat storage and vehicle rentals are not permitted uses.
 6. In order to encourage urban design, there will be no internal setbacks required in the Mixed Use Area shown on the PUD master plan.
- B. Commercial Area- Permitted primary uses shall include, without limitation:
1. Hotel;
 2. Retail;
 3. Office; and
 4. Other uses permitted by the C-2 zoning district, provided that auction houses, flea markets, RV/boat storage and vehicle rentals are not permitted uses.
- C. Single Family Area- Permitted primary use shall be single-family detached units, including, for-sale or for-rent product, meeting the following dimensional standards:
- (1) Lot Size & Setbacks:
 - a) Single Family 40' lots
Minimum width – 40'
Minimum depth – 110'
Minimum Setbacks – Front – 20', side – 6' and rear – 10' (SF detached)
 - b) Single Family 50' lots
Minimum width – 50'
Minimum depth – 110'
Minimum Setbacks – Front – 20', side – 6' and rear – 10' (SF detached).
- D. Multi-Family/Townhomes Area - Permitted primary uses shall include multi-family, townhomes, single-family attached and detached, including for sale- and for-rent product.
- (1) Lot Size & Setbacks:
 - a) Multi-Family

Exhibit "C"

Minimum lot size -15,000 square feet
Minimum Setbacks – Front – 20', side 10'; and rear 10'

b) Townhomes:
Minimum width – 18'
Minimum depth – 85'
Minimum Setbacks: Front – 20', Side – 10', Rear – 10'

16. Concerning townhouses within the PUD:

In lieu of Section 2.01.03.06.01(M)(1), the front of each individual townhouse building shall have medium sized shade trees planted and spaced every 40 feet;
17. In lieu of Section 2.01.03.06.01.P(2) 3, the builder may use two different materials, stucco on the first floor and shake siding on the second floor, using different colors for each grouping of townhomes, and the sides and rear may be the same color as the front elevation, and also have stucco on the bottom floor and shake siding on the second floor; and
18. In lieu of Section 2.01.03.06.01.P(2) 5, the sides of all the buildings (regardless of their adjacency to rights-of-way) shall be the same for all buildings.
19. The dimensional standards for the Mixed Use Area and the Commercial Area shall in accordance with the C-2 zoning district, subject to variances and other relief which may be subsequently approved by the City in accordance with the City's Land Development Code.
20. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable City ordinances and resolutions.
21. Applicant / Developer shall provide non-exclusive easement(s) at mutually-acceptable locations near the NE and SE corners of property at the intersection of Chancey Rd. and U.S. 39 (Paul S. Buchman) for the City's future Industrial Gateway entryway signage.
22. The following monotony controls shall be provided unless otherwise approved by City staff as part of site plan or other approvals:
 - a. Mailbox kiosk(s) shall be approved by the U.S. Postal Service and will be provided as needed in the community.
 - b. A street tree plan shall be included at the time of construction plan submittal to be approved as part of the construction plan review. At least 2 trees must be provided between the residential unit and the street. The specific location of the required trees shall be determined at the final design of street-cross sections during the construction plan review. Existing trees that are preserved may be counted toward satisfaction of this requirement.
 - c. All 40 foot lot residential units shall include open porch area or covered entry on the front of the residential unit.
 - d. Entry features and proposed signage location shall be depicted on the construction plans, but signage will be reviewed separately by City staff pursuant to the City's sign ordinance(s).
 - e. In order to avoid repetitive front elevations, residential units with the same front elevation shall not be located next to each other or directly across the street from each other.
 - f. No more than 20% of garages shall protrude more than 8 feet beyond the roof line of each single family detached unit and each such garage (protruding more than 8 feet beyond the roof line) shall contain decorative garage fronts.
 - g. If the exterior of the residential unit is stucco, a portion of the exterior must contain a brick, stone, scored stucco banding or another type of siding accent. This requirement may be satisfied by (among other things) scored stucco and foam accents around windows and doors.

Exhibit "C"

- h. Front elevation exterior windows on every residential unit must contain a finish trim, shutters, muntins or mulleins to create accents. This requirement may be satisfied by (among other things) scored stucco and foam accents around window).
- i. Home builders shall provide staggered front yard setbacks, not less than two feet on adjacent lots and shall be allowed to reduce the rear yard setback a distance equal to the additional front setback.
- j. Roof shingles shall be dimensional type shingles. Commonly referred to as architectural shingles.
- k. Decorative streetlights shall be used subject to approval of the applicable utility provider and manufacturer's design specification. Underground wiring may be used where such streetlights are not solar powered.
- l. Individual retention ponds to provide perimeter landscaping in such locations and with such landscaping as reasonably approved by applicant/developer.
- m. Unless otherwise approved by City staff as part of site plan or other approvals, lot fencing shall consist of Lakeland Style 6' PVC fence, either white or almond.
- n. Applicant/developer shall provide a minimum landscape allowance per lot of 1.5% of the total construction cost and shall be verified by a certification from applicant/developer's engineer of record. The irrigation system to serve such landscaping and ground cover shall be included within such landscape costs.
- o. Street/lot trees shall have a minimum 2" caliper, 6' height and consist of a Grade #1 tree.
- p. Residential Landscape Buffers -
- (1) Landscape Buffer Along Chancey Road - 20' foot wide buffer with a 2'- 3' high berm and a 6' high fence or masonry wall. There will be shade trees on center every 60' and alternating understory trees every 60', and a continuous evergreen hedge. The landscaping shall be undulating and shall be located on the north side of the fence/wall.
 - (2) Landscape Buffer Along Railroad - 20' foot wide buffer with a 6' high solid fence/wall. There will be shade trees on center every 60' and alternating understory trees every 60', and a continuous evergreen hedge.
 - (3) Landscape Buffer Along Western Property Line - 15' foot wide buffer with a 6' high fence/wall. There will be shade trees on center every 60' and alternating understory trees every 60', and a continuous evergreen hedge.
- q. Non-Residential Landscape Buffers along Chancey Road - 20' foot wide buffer with trees on center every 30' and a continuous evergreen hedge.

Procedures

23. All conditions of this PUD approval are material to the City Council approval. Accordingly, the conditions are not severable. In the event any section, subsection, sentence, clause, or provision of these conditions or the rezoning is challenged and declared illegal, invalid, or in violation of any statutory or constitutional requirement by a body with jurisdiction to make such determination, the remainder of the conditions and PUD approval shall be suspended until such time that the City Council modifies the PUD conditions of approval to address the illegal or invalid provision, provided that such suspension shall not exceed nine months in duration. However, such determination shall not affect the validity of 1) PUD entitlements that have received plat, Building Permit, or CO approval; or 2) any PUD mitigation committed to or performed as of the date the determination is made, unless such approvals or mitigation are specifically declared to be illegal, invalid, or unenforceable. Requests for City Council-approved modifications to the PUD or the PUD conditions of approval shall not be considered challenges and decisions by the City Council regarding any modification or the like shall not have the effect of suspending the conditions and the PUD approval under any circumstances.