

## **ORDINANCE 17-01**

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE LARGE SCALE AMENDMENT OF THE CITY OF ALACHUA COMPREHENSIVE PLAN FUTURE LAND USE MAP; AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURE TO MODERATE DENSITY RESIDENTIAL ON APPROXIMATELY 21.64 ACRES; LOCATED IN THE 12000 BLOCK OF NW 157TH STREET; EAST OF THE SAVANNAH STATION SUBDIVISION; NORTHEAST OF THE PILOT FOREST SUBDIVISION; AND SOUTH OF SHADY LANE ACRES, AN UNRECORDED SURVEY; TAX PARCEL NUMBERS 03974-004-000 AND 03974-005-000; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

### **R E C I T A L S**

**WHEREAS**, an application for a large scale comprehensive plan amendment, as described below, to the Comprehensive Plan Future Land Use Map has been filed with the City; and,

**WHEREAS**, a duly advertised public hearing was conducted on the proposed amendment on September 13, 2016 by the Planning and Zoning Board, sitting as the Local Planning Agency (LPA) and the LPA reviewed and considered comments received during the public hearing concerning the application and made its recommendation for approval to the City Commission; and,

**WHEREAS**, the City Commission considered the recommendations of the LPA at a duly advertised public hearings on November 28, 2016 and February 13, 2017, provided for and received public participation, and approved the amendment for submittal to the

Florida Department of Economic Opportunity (DEO) and reviewing agencies under the Expedited State Review process; and,

**WHEREAS**, the City Commission has determined and found said application for the amendment, to be consistent with the City of Alachua Comprehensive Plan and Land Development Regulations; and,

**WHEREAS**, for reasons set forth in this Ordinance that is hereby adopted and incorporated as findings of fact, that the Alachua City Commission finds and declares that the enactment of this amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ALACHUA, FLORIDA:**

**Section 1. Findings of Fact and Conclusions of Law**

1. The above recitals are true and correct and incorporated herein by reference.
2. The proposed Future Land Use Map amendment is consistent with the Comprehensive Plan.
3. The amendment will not cause a reduction in the adopted level of service standards for roads, water, sewer, waste, stormwater, and recreation.

**Section 2. Comprehensive Plan, Future Land Use Map Amended**

The Comprehensive Plan Future Land Use Map is hereby amended from Agriculture to Moderate Density Residential for Tax Parcel Numbers 03974-004-

000; 03974-005-000, in accordance with the legal description found in Exhibit A and map found in Exhibit B attached hereto.

**Section 3. Ordinance to be Construed Liberally**

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Alachua, Florida.

**Section 4. Repealing Clause**

All ordinance or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

**Section 5. Severability**

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

## **Section 6. Effective Date**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the City that the plan amendment package is complete in accordance with Chapter 163.3184 F.S. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining this adopted amendment to be in compliance in accordance with Chapter 163.3184 F.S. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

**PASSED** on first reading the 28th day of November, 2016.

**PASSED** and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 13th day of February, 2017.

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

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Gib Coerper, Mayor  
**SEAL**

**APPROVED AS TO FORM**

**ATTEST:**

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Traci L. Gresham, City Manager/Clerk

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Marian B. Rush, City Attorney

## EXHIBIT “A”

Tax Parcel Number 03974-004-000

### LEGAL DESCRIPTION:

A tract of land situated in the NW  $\frac{1}{4}$  of Section 27, Township 8 South, Range 18 East, Alachua County Florida, said tract of land being more particularly described as follows:

Commence at the Southwest corner of the aforementioned NW  $\frac{1}{4}$  of Section 27, Township 8 South, Range 18 East for a point of reference and run North 01 deg. 12 min. 59 sec. East, along the West line of said Section 27, a distance of 1076.07 feet to an iron pipe and the True Point of Beginning; thence continue North 01 deg. 12 min. 59 sec. East along said West line a distance of 343.08 feet to an iron pipe, said iron pipe being 1229.42 feet South of the NW corner of said Section 27; thence run South 89 deg. 17 min. 43 sec. East parallel with the South line of said NW  $\frac{1}{4}$ , a distance of 1238.91 feet to a concrete monument on the Westerly right of way line of Interstate Highway No. 75 (300 foot right of way); thence run South 21 deg. 27 min. 14 sec. East along said Westerly right of way line, a distance of 748.32 feet to a concrete monument; thence run North 89 deg. 17 min. 43 sec. West, parallel with said South line, a distance of 904.67 feet to a concrete monument; thence run North 01 deg. 12 min. 59 sec. East, parallel with said West line of Section 27, a distance of 350.00 feet to a concrete monument; thence run North 89 deg. 17 min. 43 sec. West, parallel with said South line, a distance of 622.68 feet to the True Point of Beginning.

Subject to restrictions, reservations and easements of record, (except that this reference shall not act to reimpose the same) and taxes for the current and subsequent years.

Tax Parcel Number 03974-005-000

LEGAL DESCRIPTION:

A tract of land situated in Section 27, Township 8 South, Range 18 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at the Southwest corner of the Northwest  $\frac{1}{4}$  of the aforementioned Section 27, Township 8 South, Range 18 East for the point of reference, and run North 01 deg. 12 min. 59 sec. East along the west line of said Section 27, a distance of 726.07 feet to an iron pipe and the true Point of Beginning; thence continue North 01 deg. 12 min. 59 sec. East, along said West line, a distance of 350.00 feet to an iron pipe, thence run South 89 deg. 17 min. 43 sec. East, parallel with the South line of said Northwest  $\frac{1}{4}$  a distance of 622.68 feet to a concrete monument; thence run south 01 deg. 12 min. 59 sec. west, parallel with said west line, a distance of 350.00 feet to a concrete monument; thence run South 89 deg. 17 min. 43 sec. East, parallel with said South line, a distance of 277.80 feet to a concrete monument; thence run South 01 deg. 12 min. 59 sec. West, parallel with said west line, a distance of 726.07 feet to a concrete monument; said concrete monument lying on said South line; thence run North 89 deg. 17 min. 43 sec. West, along said South line, a distance of 600.32 feet to an iron pipe; thence run North 01 deg. 12 in. 59 sec. East, parallel with said West line, a distance of 726.07 feet; thence run North 89 deg. 17 min. 43 sec. West, parallel with said South line, a distance of 300.16 feet to the True Point of Beginning, containing 15.009 acres more or less.

Less that tract of land containing 5.003 acres more or less conveyed by warranty

deed dated December 15, 1981 and recorded in official records Book 1182, page 440, public records of Alachua County, Florida, and Less that tact of land containing 5.003 acres more or less conveyed by Warranty deed dated October 16, 1981, recorded in Official Record Book 1386, page 379, public records of Alachua County, Florida.

Subject to restrictions, reservations and easements of record, (except that this reference shall not act to reimpose the same) and taxes for the current and subsequent years.

## EXHIBIT "B"

