

ORDINANCE 17-02

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S COMPREHENSIVE PLAN; AMENDING THE CITY'S COMPREHENSIVE PLAN TO ADD A NEW POLICY 1.2.a.1 TO THE FUTURE LAND USE ELEMENT ESTABLISHING A MAXIMUM DENSITY OF .93 DWELLING UNIT PER ACRE ON TAX PARCELS 03974-004-000 AND 03974-005-000 AS RECORDED IN THE OFFICIAL RECORDS OF ALACHUA COUNTY BOOK 3944, PAGES 1138 AND 1147; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

R E C I T A L S

WHEREAS, the Community Planning Act (Section 163.3161 et seq.), Florida Statutes, requires each local government to maintain a comprehensive plan; and

WHEREAS, the City Commission of the City of Alachua adopted its Comprehensive Plan on January 22, 1992, by Ordinance No. O-91-23 and updated its Comprehensive Plan on September 13, 2004; 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 to the City Commission; and

WHEREAS, the City Commission considered the recommendations of the LPA at a duly advertised public hearing on November 28, 2016 , provided for and received public participation, and approved the amendment for transmittal to the Florida Department of Economic Opportunity (DEO) and reviewing agencies; and

WHEREAS, the DEO has reviewed the proposed amendment and issued its comments letter on January 6, 2017; and

WHEREAS, the City Commission considered the comments received from the DEO and reviewing agencies; and

WHEREAS, the City Commission held a duly advertised public hearing on adoption of the proposed amendment and provided for and received public participation, and approved the amendment on February 13, 2017, with no changes since the transmittal hearing; and

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

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

Section 1. Incorporation of Recitals

The above recitals are true and correct and hereby incorporated in this ordinance.

Section 2. Comprehensive Plan Amendment to the Future Land Use Element

The Future Land Use Element of the Comprehensive Plan is hereby amended as follows (text that is underlined is to be added and text that is shown as ~~striketrough~~ is to be removed):

Policy 1.2.a.1: The moderate density residential land use designation on Alachua County Tax
Parcels 03974-004-000 and 03974-005-000, as recorded in the Official Records
of Alachua County Book 3944, Pages 1138 and 1147, shall be limited to a
maximum density of 0.93 dwelling unit per acre. The permitted density on the
referenced parcels shall be implemented in accordance with the City of Alachua's
Land Development Regulations.

Section 3. Codification of and Correction of Scrivener's Errors

The City Manager or designee, without public hearing, may authorize the correction of typographical errors which do not affect the intent of this ordinance. A corrected copy shall be posted in the public record.

Section 4. 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 the City of Alachua, Florida.

Section 5. Repealing Clause

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

Section 6. 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 7. Effective Date

This ordinance shall become effective immediately upon passage and adoption. The effective date of this plan amendment, unless 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, Florida Statutes. If timely challenged, this amendment shall become effective on the date the state land planning agency or Administrative Commission enters a final order determining this adopted amendment to be in compliance in accordance with Chapter 163.3184, Florida Statutes. No development orders, development

permit, 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**

Gib Coerper, Mayor
SEAL

APPROVED AS TO FORM

ATTEST:

Traci L. Gresham, City Manager/Clerk

Marian B. Rush, City Attorney