

ORDINANCE 16-13

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE SMALL SCALE AMENDMENT OF THE CITY OF ALACHUA COMPREHENSIVE PLAN FUTURE LAND USE MAP; AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL TO COMMERCIAL ON APPROXIMATELY 9.32 ACRES, LOCATED SOUTH OF NORTHWEST US HIGHWAY 441 AND POLARIS OF GAINESVILLE, AND WEST OF THE TURKEY CREEK SUBDIVISION; A PORTION OF TAX PARCEL NUMBER 05920-001-002; 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 Small Scale Comprehensive Plan Amendment (“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 July 12, 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 held duly advertised public hearings on August 8, 2016, and August 22, 2016, on the proposed Amendment and provided for and received public participation; 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,

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, 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 Amendment is consistent with the Comprehensive Plan.
3. The Amendment will not cause a reduction in the adopted level of service standards for transportation, water, sewer, waste, stormwater, recreation, and public schools.

Section 2. Comprehensive Plan Future Land Use Map Amended

1. The Comprehensive Plan Future Land Use Map is hereby amended from Industrial to Commercial on ± 9.32 acres for a portion of Tax Parcel Number 05900-001-002, in accordance with the legal description found in Exhibit "A" and map found in Exhibit "B" attached hereto and incorporated herein.

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**

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 adoption in accordance with Chapter 163.3187, 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 163.3187, 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 8th day of August, 2016.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 22nd day of August, 2016.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA



Gib Coerper, Mayor

ATTEST:



Traci L. Gresham, City Manager/Clerk

EXHIBIT "A"

A PORTION OF TAX PARCEL NUMBER 05920-001-002

A portion of fractional Section 29, Township 8 South, Range 19 East, City of Alachua, Alachua County, Florida; being more particularly described as follows:

Commence at the northeast corner of fractional Section 29, Township 8 South, Range 19 East, Alachua County, Florida and run thence South 00°42'41" East, along the east boundary of said fractional Section 29, a distance of 393.87 feet to the northeast corner of that certain parcel of land as described in Official Records Book 1577, page 2244 of the Public Records of Alachua County, Florida; thence continue South 00°42'41" East, along the east line of said certain parcel of land and along said east boundary of fractional Section 29, a distance of 479.40 feet to the Point of Beginning; thence continue South 00°42'41" East, along said east boundary, 940.46 feet to the southeast corner of said certain parcel of land; thence North 58°30'45" West, along the southerly line of said certain parcel of land and along the northerly line of the Fernandez Grant, 523.11 feet to the southeast corner of that certain parcel of land as described in Official Records Book 1590, page 2082 of said Public Records; thence North 10°19'10" West, along the east line of said certain parcel of land (Official Records Book 1590, page 2082), a distance of 711.62 feet; thence North 89°17'19" East, 285.87 feet; thence North 89°59'37" East, 30.51 feet; thence South 66°17'50" East, 95.68 feet; thence North 89°17'19" East, 157.93 feet to the Point of Beginning.

Containing 9.32 acres, more or less.

EXHIBIT “B”

