

ORDINANCE 22-XX

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM AGRICULTURAL (A) TO COMMUNITY COMMERCIAL (CC) ON A ±45.3 ACRE PROPERTY; GENERALLY LOCATED SOUTHEAST OF THE US HIGHWAY 441/INTERSTATE 75 INTERCHANGE, SOUTH OF US HIGHWAY 441 AND NW 162ND LANE, WEST OF INTERSTATE 75, AND EAST OF NW 173RD STREET (ALSO KNOWN AS COUNTY ROAD 235-A); CONSISTING OF PORTIONS OF TAX PARCEL NUMBERS 03873-000-000 AND 03873-001-000; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, an application for a Site-Specific Amendment to the Official Zoning Atlas (“Amendment”), as described below, has been filed with the City; and

WHEREAS, on June 30, 2022 the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”); and

WHEREAS, on July 14, 2022 the LPA conducted a quasi-judicial public hearing on the proposed Amendment and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

WHEREAS, on _____, 2022, and on _____, 2022, the City advertised public hearings to be held before the City Commission; and

WHEREAS, on _____, 2022, and on _____, 2022, the City Commission conducted quasi-judicial public hearings on the proposed Amendment and provided for and received public participation at both public hearings; and

WHEREAS, the City Commission has determined and found the proposed Amendment to be consistent with the City’s Comprehensive Plan and the City’s Land Development Regulations (“LDRs”); and

WHEREAS, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, 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 CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Findings of Fact and Conclusions of Law

1. The above recitals are true and correct and are incorporated herein by reference.
2. The proposed Amendment is in compliance with the City's LDRs.
3. The proposed 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. Official Zoning Atlas Amended

The Official Zoning Atlas is hereby amended from Agricultural (A) to Community Commercial (CC) on portions of Tax Parcel Numbers 03873-000-000 and 03873-001-000, 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 ordinances 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 take effect immediately upon its adoption by the City Commission and the signature of the Mayor.

PASSED on First Reading the _____ day of _____ 2022.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this _____ day of _____ 2022.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

APPROVED AS TO FORM

ATTEST:

Mike DaRoza, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN FRACTIONAL SECTIONS 9, 16 AND SECTION 37 (WILLIAM GARVIN GRANT), TOWNSHIP 8 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE AFOREMENTIONED FRACTIONAL SECTION 9, TOWNSHIP 8 SOUTH, RANGE 18 EAST FOR A POINT OF REFERENCE AND RUN S 01°54'57" W, A DISTANCE OF 3.76 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED SEABOARD COASTLINE RAILROAD (200 FOOT RIGHT OF WAY); THENCE RUN N 87°08'33" W, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1090.74 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 93, ALSO KNOWN AS INTERSTATE HIGHWAY NO. 75 (300 FOOT RIGHT OF WAY); THENCE RUN N 05°41'41" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.12 FEET TO THE CENTERLINE OF SAID RAILROAD RIGHT OF WAY; THENCE RUN N 87°08'33" W, ALONG SAID RAILROAD CENTERLINE, A DISTANCE 1308.44 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, RUN S 03°04'31" W, A DISTANCE OF 673.94 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, SAID CURVE HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 26°24'06", AND A CHORD BEARING AND DISTANCE OF S 16°16'34" W, 228.36 FEET; THENCE RUN SOUTHWESTERLY, WITH SAID CURVE, AN ARC DISTANCE OF 230.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S 29°28'37" W, A DISTANCE OF 1165.48 FEET; THENCE RUN N 45°31'23" W, A DISTANCE OF 127.63 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 45°00'00", AND A CHORD BEARING AND DISTANCE OF N 68°01'23" W, 153.07 FEET; THENCE RUN NORTHWESTERLY, WITH SAID CURVE, AN ARC DISTANCE OF 157.08 FEET TO A POINT OF TANGENCY OF SAID CURVE; THENCE RUN S 89°28'37" W, A DISTANCE OF 524.72 FEET; THENCE RUN N 15°31'23" W, A DISTANCE OF 55.93 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, SAID CURVE HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 45°00'00", AND A CHORD BEARING AND DISTANCE OF N 06°58'37" E, 918.44 FEET; THENCE RUN NORTHEASTERLY, WITH SAID CURVE, AN ARC DISTANCE OF 942.48 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N 29°28'37" E, A DISTANCE OF 797.84 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°04'38", AND A CHORD BEARING AND DISTANCE OF N 14°26'18" E, 51.89 FEET; THENCE RUN NORTHEASTERLY, WITH SAID CURVE, AN ARC DISTANCE OF 52.49 TO THE END OF CURVE, ALSO BEING THE CENTERLINE OF THE ABANDONED SEABOARD COASTLINE RAILROAD, TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY, SAID CURVE HAVING A RADIUS OF 2864.79 FEET, A CENTRAL ANGLE OF 15°14'34", AND A CHORD BEARING AND DISTANCE N 85°14'10" E, 759.90 FEET; THENCE RUN EASTERLY, WITH SAID CURVE, AN ARC DISTANCE OF 762.14 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S 87°08'33" E, A DISTANCE OF 172.19 FEET TO THE POINT OF BEGINNING,

EXHIBIT "B"

