

ORDINANCE 22-20

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 CLASSIFICATION OF A ±45.3 ACRE PROPERTY FROM AGRICULTURE TO COMMUNITY COMMERCIAL; 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 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, 2022 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, 2022 and August 22, 2022 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 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 transportation, potable water, sanitary sewer, solid waste, stormwater, recreation, or public schools.

Section 2. Comprehensive Plan Future Land Use Map Amended

The Comprehensive Plan Future Land Use Map is hereby amended from Agriculture to Community Commercial on a ±45.3 acre subject property, consisting of 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.

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.

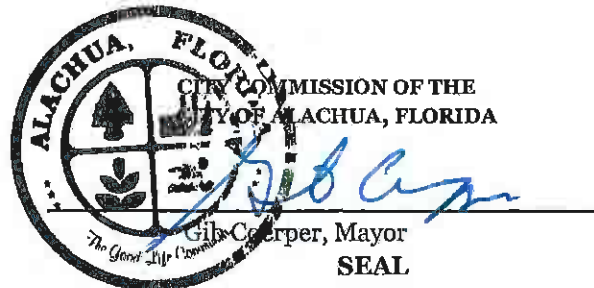
Section 6. Effective Date

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 2022.

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 2022.



ATTEST:


Mike DaRoza, City Manager/Clerk

APPROVED AS TO FORM



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"

