

ORDINANCE 22-18

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 ON ±51.7 ACRES FROM AGRICULTURE AND RURAL/AGRICULTURE (ALACHUA COUNTY) TO MODERATE DENSITY RESIDENTIAL ON A PARCEL OF LAND GENERALLY LOCATED SOUTH OF PEGGY ROAD AND LEGACY PARK, EAST OF INTERSTATE – 75, NORTH OF THE CSX RAILWAY RIGHT-OF-WAY; TAX PARCEL NUMBERS 03924-000-000, 03865-000-000, AND 03917-200-002; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

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 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 for approval to the City Commission; and,

WHEREAS, the City Commission considered the recommendations of the LPA at a duly advertised public hearing on July 25, 2022 provided for and received public participation, and approved the amendment for transmittal to the Florida Department of Economic Opportunity (DEO) and reviewing agencies under the Expedited State Review process; and,

WHEREAS, the City Commission considered the recommendations of the LPA, DEO, and reviewing agencies at a duly advertised public hearing on September 26, 2022 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 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 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 on Tax Parcel Numbers 03924-000-000, 03865-000-000 and 03917-200-002 from Agriculture and Rural/Agriculture (Alachua County) to Moderate Density Residential 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

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 25th day of July, 2022.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 26th day of September , 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"

Tax Parcel Numbers 03924-000-000, 03865-000-000 and 03917-200-002

LEGAL DESCRIPTION:

Legal Description

Commence at a point South of the Seaboard Air Line Railroad in Lot One (1) of Section Twenty-two (22) Township Eight (8) South Range Eighteen (18) East, where the East line of the William Garvin Grant intersects the Right-of-way, run Southwest along the Grant line to where Subdivision line intersects the Right-of-way of the Atlantic Coast Line Railroad, thence Northeast along the Right-of-way 1109 feet; thence North 1074 feet to beginning. Lying and being in Section Twenty-two (22), Township Eight (8) South, Range Eighteen (18) East; and containing 9 acres, more or less.

Also, all that part of Lots Ten (10) and Eleven (11) South of the Seaboard Air Line Railroad in the William Garvin Grant, containing 40 acres, more or less. According to the plat of J.C. Sheffield's Subdivision of the South 600 acres of the said Garvin Grant, as recorded in Plat Book "A", Page 60 of the Public Records of Alachua County, Florida.

Also, Lots One (1) and Two (2) of Block Two (2); and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7) of Block Three (3) of Alachua Realty Company's Subdivision of a part of Lot One (1) of Section Twenty-two (22) Township Eight (8) South, Range Eighteen (18) East, according to a survey made by A.W. Taylor and recorded in Plat Book "A" page 106 of the public Records of Alachua County, Florida.

Together with:

A parcel of land lying in Section 22, Township 8 South, Range 18 East, Alachua County, Florida, being that portion of the lands described in Official Records Book 1895, page 2500 of the Public Records of said Alachua County, Florida, lying West of the northerly extension of the West line of a 40 foot wide platted right-of-way as shown on the plat of "Alachua Realty Company Subdivision" as per plat thereof recorded in Plat Book "A", Page 106 of said Public Records, Less an portion lying within the Maintained Right of Way of County Road No. 2054 (Peggy Road) and being more particularly describes as follows:

Commence at a 5/8" rebar and cap (LB 2903) at the northwest corner of Lot 1, Block 2 of said "Alachua Realty Company Subdivision" and the southwest corner of said lands described in Official Records Book 1895, page 2500 for the Point of Beginning; thence run North 02°08'31" West, along the West line of said lands, a distance of 83.27 feet to a 5/8" rebar (no identification) on the southerly Maintained Right of Way Line of said Peggy Road; thence run North 59°29'24" East, along said southerly Maintained Right of Way Line, a distance of 234.80 feet to a 5/8" rebar and cap (PSM 6602) at the intersection with said northerly extension of the West line of a platted 40 foot Right of Way as shown on said "Alachua Realty Company Subdivision"; thence run South 02°08'31" East, along said northerly extension, a distance of 78.43 feet to a 3/4" iron pipe (no identification) at the northeast corner of said Lot 1, Block 2, lying on the South line of the former CSX Transportation, Inc.'s Operating Property, and on the South line of said lands described in Official Records Book 1895, page 2500; thence run South 58°27'44" West, along the North line of said Lot 1, Block 2, and the South lines of said former CSX Property and said lands, a distance of 237.13 feet to the Point of Beginning.

Together with:

A portion of a 40' Road Right-of-Way as shown on the plat of "Alachua Realty Co Subdivision of a Part of Lot 1 of Sec' 22, Tp 8 S, R 18 E", recorded in Plat Book "A", page 106 of the Public Records of Alachua County, Florida; being more particularly described as follows:

Begin at the northeast corner of Lot 1, Block 3 of "Alachua Realty Co Subdivision of a Part of Lot 1 of Sec' 22, Tp 8 S, R 18 E", recorded in Plat Book "A", page 106 of the Public Records of Alachua County, Florida and run thence West, along the north line of Lots 1 and 2 of said Block 3 and along the south Right-of-Way line of a 40 foot wide road Right-of-Way, 415 feet to the northwest corner of said Lot 2 of Block 3; thence North, 40 feet to the southwest corner of Lot 2 of Block 2 of said "Alachua Realty Co Subdivision of a Part of Lot 1 of Sec' 22, Tp 8 S, R 18 E"; thence East, along the south line of Lots 2 and 1 of said Block 2 and along the north Right-of-Way line of said 40 foot wide road Right-of-Way, 415 feet to the southeast corner of said Lot 1 of Block 2; thence South, 40 feet to the Point of Beginning.

EXHIBIT “B”

