

## **ORDINANCE 17-08**

**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 FROM MEDIUM DENSITY RESIDENTIAL TO MODERATE DENSITY RESIDENTIAL ON APPROXIMATELY 35.82 ACRES; LOCATED WEST OF NW 173<sup>RD</sup> STREET (ALSO KNOWN AS COUNTY ROAD 235A), APPROXIMATELY 1,000 FEET SOUTH OF THE INTERSECTION OF NW US HIGHWAY 441 AND NW 173<sup>RD</sup> STREET; TAX PARCEL NUMBERS 03042-050-006, 03042-050-007, 03042-052-002, 03042-052-003, 03042-052-004, 03042-052-005, AND 03042-052-006; 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 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 March 14, 2017 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 April 10, 2017, 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 July 24, 2017, 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 from Medium Density Residential to Moderate Density Residential on Tax Parcel Numbers 03042-050-006, 03042-050-007, 03042-052-002, 03042-052-003, 03042-052-004, 03042-052-005,

and 03042-052-006 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**

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 10<sup>th</sup> day of April, 2017.

**PASSED** and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 24<sup>th</sup> day of July, 2017.

CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA

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Gib Coerper, Mayor  
**SEAL**

**APPROVED AS TO FORM**

**ATTEST:**

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Traci L. Gresham, City Manager/Clerk

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Marian B. Rush, City Attorney

## EXHIBIT “A”

Tax Parcel Numbers 03042-050-006, 03042-050-007, 03042-052-002, 03042-052-003, 03042-052-004, 03042-052-005, and 03042-052-006

### **LEGAL DESCRIPTION:**

A tract of land situated in Sections 8 and 17, Township 8 South, Range 18 East, Alachua County, Florida, being more particularly described as follows:

Commence at the southeast corner of Section 8, being the northeast corner of Section 17, Township 8 South, Range 18 East, and run S.87°26'55"W., along the section line, a distance of 50.01 Feet to the west right of way line of County Road No. 235-A (100 foot right of way) and the point of beginning; Thence run S.01°45'18"E., along said right of way line, a distance of 571.16 feet to the north right of way line of the former Seaboard Coastline Railroad; Thence run S.57°03'28"W., along said north right of way line, a distance of 1074.22 feet; thence run N.01°54'18"W., parallel with and one foot west of the west right of way line of the 20 foot wide American Telephone and Telegraph Company Easement as described in Official Records Book 415, Page 139 of the Public Records of Alachua County, Florida, a distance of 1114.62 feet to the south line of Section 8; Thence run S.87°26'55"W., along said south line, a distance of 360.41 feet; Thence run N.01°54'18"W., a distance of 611.28 feet to the southwest corner of the lands described in Official Records Book 2918, Page 1475 of said Public Records; Thence run N.87°27'04"E., along the south line of said lands, and along the south line of the lands described in Official Records Book 2241, Page 1384 of said Public Records, a distance of 1283.53 feet to the aforementioned west right of way line of County Road No. 235-A; Thence run S.01°47'55"E., along said right of way line, a distance of 611.24 feet to the point of beginning.

## EXHIBIT "B"

