

**ORDINANCE 17-11**

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM RESIDENTIAL SINGLE FAMILY – 3 (“RSF-3”) TO RESIDENTIAL MULTIPLE FAMILY – 8 (“RMF-8”) ON APPROXIMATELY 1.2 ACRES; LOCATED AT 15803 NW 140TH STREET, EAST OF NW 140TH STREET, ALSO KNOWN AS STATE ROADS 235 AND 241, AND EAST OF THE CLEATHER HATHCOCK COMMUNITY CENTER, SOUTH OF NW 158TH PLACE, AND NORTH OF NW 158TH AVENUE; TAX PARCEL NUMBER 03131-103-000; 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**, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on June 29, 2017; and

**WHEREAS**, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on July 11, 2017, 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**, the City advertised public hearings to be held before the City Commission on August 3, 2017, and on August 17, 2017; and

**WHEREAS**, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on August 14, 2017, and on August 28, 2017, 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 Residential Single Family – 3 (“RSF-3”) to Residential Multiple Family – 8 (“RMF-8”) for Tax Parcel No. 03131-103-000, 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 14<sup>th</sup> day of August 2017.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 28<sup>th</sup> day of August 2017.

CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA

\_\_\_\_\_  
Gib Coerper, Mayor  
**SEAL**

**ATTEST:**

**APPROVED AS TO FORM**

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Traci L. Gresham, City Manager/Clerk

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Marian B. Rush, City Attorney

## EXHIBIT “A”

### PARCEL I

Being a part of Section 11, Township 8 South, Range 18 East, Alachua County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of Section 11, Township 8 South, Range 18 East, thence run N.89°17'E., along the South line of said Section 11, Township 8 South, Range 18 East, a distance of 48.93 feet to a point in the East right of way line of State Route 241; thence run N.0°36'W., along East right of way line a distance of 25 feet to a Point of Beginning; thence run N.0°36'W., along East right of way line, a distance of 167.70 feet to a point of curve to the right, State Route 235; thence run with a curve to the right having a central angle of 1°27' and a radius of 1223.26 feet, a distance of 32.30 feet on the curve, said curve having a chord of N.00°07'30"E., a distance of 32.30 feet to a point; thence run N89°17'E., a distance of 239.60 feet to a point; thence run S.0°36'E., a distance of 200 feet to a point; thence run S.89°17'W., a distance of 240 feet to the Point of Beginning.

### PARCEL II

A tract of land situated in LINCOLN GARDENS, a subdivision as per Plat recorded in Plat Book “E”, Page 40, of the Public Records of Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at a steel rod and cap at the intersection of the South right of way line of Maple Street with the East right of way line of County Road 235 and 241 for the point of reference and run Easterly, along said South right of way line of Maple Street, a distance of 15.00 feet to the True Point of Beginning; thence run Northerly, perpendicular to said right of way line, a distance of 7.00 feet; thence run Easterly, parallel with said South right of way line, a distance of 28.00 feet; thence run Southerly perpendicular to said right of way line, a distance of 7.00 feet to said right of way line; thence run Westerly, along said right of way line, a distance of 28.00 feet to the True Point of Beginning.

## EXHIBIT "B"

