

ORDINANCE 18-03

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 COMMERCIAL INTENSIVE (CI) ON APPROXIMATELY 9.99 ACRES; LOCATED AT 9900 NW US HIGHWAY 441; NORTHWEST OF THE INTERSECTION OF US HIGHWAY 441 AND NW 43RD STREET, SOUTHEAST OF THE BROOKE POINTE SUBDIVISION, SOUTH OF THE STAGHORN SUBDIVISION, AND WEST OF US HIGHWAY 441; A PORTION OF TAX PARCEL NUMBER 05936-001-000; 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, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on November 30, 2017; and

WHEREAS, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on December 12, 2017, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation for approval to the City Commission; and

WHEREAS, the City advertised public hearings to be held before the City Commission on December 28, 2017, and on February 1, 2018 ; and

WHEREAS, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on January 8, 2018, and February 12, 2018, 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 of Alachua Comprehensive Plan and Land Development Regulations; and

WHEREAS, for reasons set forth in this Ordinance, the Alachua City Commission finds and declares that the enactment of the proposed 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

The above recitals are true and correct and are incorporated into this ordinance by reference. The proposed Amendment is in compliance with the Land Development Regulations. The Amendment will not cause a reduction in the adopted level of service standards for roads, water, sewer, waste, stormwater, and recreation.

Section 2. Official Zoning Atlas Amended

The Official Zoning Atlas is hereby amended from Agricultural (A) to Commercial Intensive (CI) for ±9.99 acres consisting of a portion of Tax Parcel Number 05936-001-000 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 take effect immediately after its passage and adoption.

PASSED on first reading the 8th day of January, 2018.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 12th day of February, 2018.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

APPROVED AS TO FORM

ATTEST:

Traci L. Gresham, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

PROPERTY: A 9.998-ACRE PORTION OF TAX PARCEL 05936-001-000 FROM AGRICULTURAL (A) TO COMMERCIAL INTENSIVE (CI)

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN SECTION 34, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; SAID PAREL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 4" SQUARE CONCRETE MONUMENT (NO Id.) MARKING THE SOUTHEAST CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN N06°30'00"W ALONG THE EAST LINE THEREOF, A DISTANCE OF 831.95 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021) AND THE POINT OF BEGINNING; THENCE CONTINUE N06°30'00"W ALONG SAID EAST LINE, A DISTANCE OF 810.27 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021) LYING ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 441; THENCE RUN N38°48'47"W ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 276.58 FEET TO A 4" SQUARE CONCRETE MONUMENT (GFY LB021); THENCE RUN S79°31'06"W, A DISTANCE OF 600.46 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021); THENCE RUN S38°48'47"E PARALLEL TO SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1254.39 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021); THENCE RUN N46°21'45"E, A DISTANCE OF 95.75 FEET TO THE POINT OF BEGINNING.

EXHIBIT “B”

