

**Legislative #**

**140721**

## ORDINANCE NO. 140721

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3 **An ordinance of the City of Gainesville, Florida, amending Ordinance No.**  
4 **100776 to extend certain time limits to apply for and obtain Planned**  
5 **Development District (PD) zoning for the Hatchet Creek Planned Use District**  
6 **(PUD); providing a severability clause; providing a repealing clause; and**  
7 **providing an effective date.**  
8

9 **WHEREAS**, Planned Use District (PUD) is an overlay land use category created to allow  
10 the consideration of unique, innovative or narrowly construed land use proposals that because of  
11 the specificity of the land use regulations can be found to be compatible with the character of the  
12 surrounding land uses and environmental conditions of the subject land; and

13 **WHEREAS**, on December 17, 2009, the City Commission adopted Ordinance No.  
14 070210, which overlaid the PUD land use category, with development conditions, on certain land  
15 that is the subject of this ordinance and is commonly known as "Hatchet Creek"; and

16 **WHEREAS**, Ordinance No. 070210 included a condition that within 18 months of the  
17 effective date of the land use change, Hatchet Creek's owner/developer shall either apply for and  
18 obtain Planned Development District (PD) zoning or file an application to extend the aforesaid  
19 18 month period; and

20 **WHEREAS**, following Hatchet Creek's owner/developer timely filing an extension  
21 application per Ordinance No. 070210, the City Commission on July 21, 2011, adopted  
22 Ordinance No. 100776 granting the extension and establishing that Hatchet Creek's  
23 owner/developer shall either apply for and obtain PD zoning by June 30, 2015, or file an  
24 application by February 26, 2015, to extend such date; and

1           **WHEREAS**, on February 3, 2015, Hatchet Creek’s owner/developer filed an application  
2 to extend the timeframe by which a PD zoning ordinance shall be adopted as provided in  
3 Ordinance No. 100776; and

4           **WHEREAS**, at least ten (10) days’ notice has been given once by publication in a  
5 newspaper of general circulation notifying the public of this proposed ordinance and of public  
6 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of  
7 Gainesville; and

8           **WHEREAS**, public hearings were held pursuant to the notice described above at which  
9 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;  
10 and

11           **WHEREAS**, the City Commission finds that this ordinance is consistent with the City of  
12 Gainesville Comprehensive Plan.

13           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
14 **CITY OF GAINESVILLE, FLORIDA:**

15           **Section 1.** Section 3 of Ordinance No. 100776 is amended as follows:

16           Section 3. A Planned Development District (PD) (~~planned development~~) zoning  
17 ordinance consistent with the Hatchet Creek PUD (Policy 4.3.5 of the Future Land Use Element  
18 in the City’s ~~2000-2010~~ Comprehensive Plan) ~~must~~ shall be adopted by the City Commission on  
19 or before June 30, ~~2015~~2018. The obligation to apply for and obtain PD zoning shall be on the  
20 owner/developer. If the aforesaid zoning ordinance is not adopted on or before June 30,  
21 ~~2015~~2018, then the overlay PUD shall automatically be null and void and of no further force and  
22 effect ant the overlay land use category shall ministerially be removed from the Future Land Use  
23 Map, leaving the original and underlying land use categories in place. Any request to extend the

1 aforesaid date of June 30, ~~2015~~ 2018, shall be made on the appropriate forms and submitted by  
 2 the owner/developer to the Planning and Development Services Department on or before  
 3 February 26, ~~2015~~2018. A timely filed complete application shall toll the expiration date until  
 4 final City Commission action on the extension application.

5 **Section 2.** Except as expressly amended by this ordinance, the remaining provisions of  
 6 Ordinance No. 100776 shall remain in full force and effect.

7 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
 8 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
 9 finding shall not affect the other provisions or applications of this ordinance that can be given  
 10 effect without the invalid or unconstitutional provision or application, and to this end the  
 11 provisions of this ordinance are declared severable.

12 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
 13 such conflict hereby repealed.

14 **Section 5.** This ordinance shall become effective immediately upon adoption.

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16 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

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 EDWARD B. BRADDY  
 MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
 KURT M. LANNON  
 CLERK OF THE COMMISSION

\_\_\_\_\_  
 NICOLLE M. SHALLEY  
 CITY ATTORNEY

- 1 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.
- 2
- 3 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.