

**LEGISLATIVE #**

**110372A**

ORDINANCE NO. 110372

An ordinance of the City of Gainesville amending Section 4 of Ordinance No. 090537 related to Butler Plaza Planned Use District (PUD); by providing a time extension to obtain Planned Development (PD) zoning; providing directions to the codifier; providing a severability clause; providing a repealing clause; and, providing an immediate effective date.

WHEREAS, on August 10, 2011, Butler Enterprises, applied for an extension of time to obtain Planned Development (PD) rezoning as permitted by Section 4 of Ordinance No. 090537 on certain property described in the ordinance and commonly referred to as "Butler Plaza Planned Unit District"; and

WHEREAS, on November 3, 2011, the City Commission, authorized the City Attorney to draft an ordinance extending the date for Butler Enterprises to obtain PD zoning to on or before January 19, 2012; and

WHEREAS, at least ten (10) days notice has been given once by publication in a newspaper of general circulation prior to the adoption public hearing notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville; and

WHEREAS, Public Hearings were held pursuant to the published notices described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

1           **Section 1.** Section 4 of Ordinance No. 090537 is amended as follows:  
2     The underlying City of Gainesville land use categories of Commercial (C), Office (O), Mixed-Use  
3     Medium (MU-M) and Residential Medium Density (RM) on the property as described in Section 1  
4     of this ordinance are neither abandoned nor repealed; such categories are inapplicable as long as the  
5     property is rezoned to “Planned Development” (PD) zoning district, ~~within 12 months of the~~  
6     ~~effective date of this Comprehensive Plan Amendment~~ on or before January 19, 2012. In the event,  
7     however, the property described in Section 1 of this Ordinance is not rezoned by ordinance to  
8     “Planned Development” (PD) within that timeframe, then the overlay Planned Use District  
9     Category and its policies as imposed by Sections 2 and 3 of this Ordinance shall automatically be  
10    null and void and of no further force and effect and the overlay land use category shall be  
11    ministerially removed from the Future Land Use Map, leaving the underlying land use categories  
12    specified in Section 1 in place. The timely filing of an extension application by the owner to extend  
13    the aforesaid ~~12-month period~~ timeframe shall toll the expiration date until final City Commission  
14    action on the extension application.

15           **Section 2.** Except as expressly amended by this ordinance, the remaining provisions of  
16    Ordinance No. 090537 shall remain in full force and effect.

17           **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
18    or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
19    finding shall not affect the other provisions or applications of the ordinance which can be given

1 effect without the invalid or unconstitutional provisions or application, and to this end the  
2 provisions of this ordinance are declared severable.

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

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

6 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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\_\_\_\_\_  
Craig Lowe  
Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Kurt Lannon  
Clerk of the Commission

\_\_\_\_\_  
Marion J. Radson  
City Attorney

18 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

19 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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