

Legislative #

110740

ORDINANCE NO. 110740

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3 **An ordinance of the City of Gainesville, Florida, amending Ordinance No.**
4 **070706 (as was subsequently amended by Ordinance No. 100520) related to**
5 **Gainesville Auto Town Center Planned Development (PD); by deleting**
6 **Condition 24, Section 2 of Ordinance No. 100520 relating to development**
7 **time limits for Phase II; providing a severability clause; providing a**
8 **repealing clause; and providing an immediate effective date.**
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10 **WHEREAS**, the City Commission, on April 14, 2008, adopted Ordinance No. 070706
11 which approved Planned Development (PD) zoning to implement the Gainesville Auto Town
12 Center Planned Development; and

13 **WHEREAS**, the City Commission, on September 15, 2011, adopted Ordinance No.
14 100520, which amended Ordinance No. 070706 and extended the timeframe for the approved
15 development order until September 15, 2016; and

16 **WHEREAS**, notice was given and publication made as required by law of a public
17 hearing which was held by the City Plan Board on January 26, 2012; and

18 **WHEREAS**, notice was given and publication made of a public hearing which was held
19 by the City Commission on March 15, 2012; and

20 **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of
21 general circulation notifying the public of this proposed Ordinance and of a public hearing in the
22 City Commission meeting room, First Floor, City Hall, City of Gainesville; and

23 **WHEREAS**, notice was also given by mail to the owner whose property will be
24 regulated by the adoption of this Ordinance, prior to the date of the public hearing of the
25 ordinance; and

1 **WHEREAS**, public hearings were held pursuant to the published notices described above
2 at which hearings the parties in interest and all others had an opportunity to be and were, in fact,
3 heard.

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

6 **Section 1.** Condition 24 of Section 2 of Ordinance No. 100520 is repealed in its entirety
7 as follows:

8 ~~Condition 24. Development plan review for Phase II shall be filed no later than three~~
9 ~~years from the date of adoption of this Ordinance No. 100520. Construction must commence no~~
10 ~~later than eighteen (18) months after the approval of the Final Development Order for Phase II.~~
11 ~~Once construction commences, the development must maintain an active building permit in~~
12 ~~accordance with the requirements of the Building Code. If an active building permit is~~
13 ~~maintained, the development may diligently proceed towards completion of the planned~~
14 ~~development. Failure to comply with those requirements shall render this development order~~
15 ~~null and void.~~

16 **Section 2.** Except as expressly modified, amended or changed by this Ordinance,
17 Ordinance No. 070706 and Ordinance No. 100520 shall remain in full force and effect.

18 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this Ordinance
19 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
20 finding shall not affect the other provisions or applications of this Ordinance that can be given
21 effect without the invalid or unconstitutional provisions or application, and to this end the
22 provisions of this Ordinance are declared severable.

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

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

4 **PASSED AND ADOPTED** this _____ day of _____, 2012.

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CRAIG LOWE
MAYOR

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ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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18 This Ordinance passed on first reading this _____ day of _____, 2012.

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20 This Ordinance passed on second reading this _____ day of _____, 2012.