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3 **ORDINANCE NO. 130981**

4 **An ordinance of the City of Gainesville, Florida, amending Ordinance No.**
5 **980726 to extend certain development time limits for approximately 52 acres of**
6 **property known as the “Townsend Planned Development” that is located in**
7 **the vicinity of the 2300 block of NW 39th Avenue and extending south to NW**
8 **31st Avenue (Glen Springs Road) to allow for the construction of the extension**
9 **to NW 24th Boulevard, the dedication of right-of-way, and the completion of the**
10 **Planned Development; providing a severability clause; providing a repealing**
11 **clause; and providing an immediate effective date.**

12 **WHEREAS,** Planned Development District (PD) zoning is an entirely voluntary method for
13 landowners or developers to submit unique proposals that are not provided for or otherwise allowed
14 in the zoning districts established by the City of Gainesville Land Development Code; and

15 **WHEREAS,** Section 30-219 of the Land Development Code provides that the City
16 Commission may establish reasonable time limits for the development of a PD, which the City
17 Commission may extend for good cause. If such time limits are not complied with or extended for
18 good cause, the City Commission may rezone the property or any part of it; and

19 **WHEREAS,** on August 9, 1999, the City of Gainesville City Commission adopted
20 Ordinance No. 980726 and rezoned the property that is the subject of this ordinance to PD with
21 certain development time limits; and

22 **WHEREAS,** on March 25, 2014, the developer of the property that is the subject of this
23 ordinance, Townsend TND, LLC, applied for extensions of certain development time limits as
24 provided in Ordinance No. 980726; and

25 **WHEREAS,** on June 4, 2014, the City Commission authorized the City Attorney to draft an
26 ordinance to extend such development time limits as provided in PD Ordinance No. 980726 to allow
27 for the construction of the extension to NW 24th Boulevard, the dedication of right-of-way, and the
28 completion of the PD; and

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

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

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

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

11 **Section 1.** Sections 4.C.(1) and 4.C.(2) of Ordinance No. 980726 are amended as
12 follows. Except as amended herein, the remainder of Section 4 remains in full force and effect:

13 C. Concurrency Mitigation Requirements for this Development: Developer acknowledges
14 the concurrency mitigation requirements and voluntarily agrees to the following
15 mitigation requirements at the developer's sole cost and expense:

16 (1) Convey by deed or dedicate to the City the NW 24th Boulevard extension right-of-way
17 from NW 39th Avenue, to NW 31st Avenue, and clear-cut the right-of-way both of which
18 shall be completed by March 29, 2018; provided, however, the deeding or dedication
19 shall not occur until after the construction described in (2) below is fully
20 completed within three years from the issuance of the first Certificate of Occupancy from
21 this planned development.

22 (2) Construction of the roadway extension of NW 24th Boulevard from the existing signal at
23 NW 39th Avenue to NW 31st Avenue (Glen Springs Road) shall be fully completed by

1 March 29, 2018, ~~within five years from the aforesaid Certificate of Occupancy~~. All
2 roadway design plans for NW 24th Boulevard shall be approved by the City of
3 Gainesville. All design and construction activities in the right-of-way of NW 39th
4 Avenue must be approved by the Florida Department of Transportation FDOT.

5 **Section 2.** Section V. of Exhibit “B” to Ordinance No. 980726 (“Townsend: A
6 Traditional Neighborhood Development – Planned Development Report” dated July 16, 1999) is
7 amended as follows. Except as amended herein, the remainder of Exhibit “B” to Ordinance No.
8 980726 remains in full force and effect:

9 **V. DEVELOPMENT SCHEDULE:**

10 The PD zoning ordinance shall become null and void unless final development plan approval
11 covering twenty percent (20%) of the site acreage is received within thirty six (36) months of the
12 effective date of this PD ordinance. The developer shall request final development plan approval of
13 areas in increments consisting of not less than ten percent (10%) of a zone. Final development plan
14 approval for portions of each zone may be requested at any time and in any order, at the discretion of
15 the developer. The first development plan application submitted for any portion of the site
16 containing non-residential uses shall include not less than three (3) residential units, or infrastructure
17 supporting not less than twenty-five (25) residential units. Said residential units or infrastructure
18 shall not be required with the first development plan application submitted with non-residential uses
19 if said amount of residential units or infrastructure has already been produced on the site. Final
20 development plan approval for said non-residential use shall not be delayed pending final
21 development plan approval for the required residential units. All development shall be completed by
22 August 9, 2022, ~~within ten (10) years of the adoption of this ordinance~~. Extensions may be granted
23 by the City Commission upon good cause shown.

1 **Section 3.** Except as expressly amended by this ordinance, the remaining provisions of
2 Ordinance No. 980726 shall remain in full force and effect.

3 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
4 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
5 finding shall not affect the other provisions or applications of this ordinance that can be given
6 effect without the invalid or unconstitutional provision or application, and to this end the
7 provisions of this ordinance are declared severable.

8 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
9 conflict hereby repealed.

10 **Section 6.** This ordinance shall become effective immediately upon adoption.

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12 PASSED AND ADOPTED this 18th day of September, 2014.

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18 Attest:

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EDWARD B. BRADDY
MAYOR

Approved as to form and legality:


NICOLLE M. SHALLEY
CITY ATTORNEY


KURT M. LANNON
CLERK OF THE COMMISSION

This ordinance passed on first reading this 4th day of September, 2014.

This ordinance passed on second reading this 18th day of September, 2014.