

ORDINANCE NO. 070906
0-08-10

An ordinance of the City of Gainesville, Florida; amending Ordinance Nos. 3248, 3378 and 000618 that rezoned certain property to planned development district, commonly known as "Oakbrook Walk PD"; generally located in the vicinity of the 1000-1200 block of SW 14th Avenue, north side and 1331 S.W. 13th Street; by allowing the contraction of the development plan and adopting a revised development plan, as more specifically described in this ordinance; adopting revised development plan maps and a revised development plan report; preserving certain conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Commission, in 1986, adopted Ordinance No. 3248, that rezoned certain real property which is the subject of this Ordinance, to Planned Development, and adopted a certain Development Plan; which was subsequently amended by Ordinance Nos. 3378 and 000618, and

WHEREAS, the owner/petitioner has petitioned the City to amend the planned development and allow for the contraction of the existing development, and to make certain amendments to the planned development as more specifically provided herein; and

WHEREAS, notice was given and publication made of a public hearing to adopt a revised Development Plan on certain real property that is zoned "Planned Development", commonly known as "Oakbrook Walk PD"; and

WHEREAS, notice was given and publication made as required by law of a public hearing which was then held by the City Plan Board on January 17, 2008; and

1 **WHEREAS**, notice was given and publication made of a public hearing which was then
2 held by the City Commission on February 25, 2008; and

3 **WHEREAS**, the City Commission finds that the amendment of the Planned Development
4 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

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

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

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

14 **Section 1.** The legal descriptions provided in Section 1 of Ordinance Nos. 3248, 3378,
15 000618 are repealed, and a new legal description attached hereto as Exhibit “A” and made a part
16 hereof as if set forth in full. This new legal description describes the entire parcel that is zoned
17 “Planned Development” district and that comprises the “Oakbrook Walk Planned Development”.

18 **Section 2.** The development plan reports attached to Ordinance Nos. 3248, 3378, and
19 000618, are repealed, and a new “Planned Development Report, Oakbrook Walk” dated October 8,
20 2007, is adopted and approved, which Report is attached hereto as Exhibit “B” and made a part
21 hereof as if set forth in full. Exhibit “B” shall regulate the development and use of the property.

1 **Section 3.** The “development plan maps” attached to Ordinance Nos. 3248, 3378, and
2 000618 are repealed, and revised development plan maps, identified as Sheet C1.00 “Existing
3 Conditions Map” and Sheet C2.00 “PD Layout Plan Map”, last revised, January 10, 2008, are
4 adopted and approved, which Maps are attached hereto as Exhibit “C” and made a part of this
5 ordinance as if set forth in full. The terms, conditions, and limitations of the Development Plan (all
6 reports and maps) shall regulate the use and development of the land described in Exhibit “A” of
7 Section 1 of this Ordinance, zoned to the category of Planned Development district as provided in
8 Chapter 30, Land Development Code of the City of Gainesville (hereinafter referred to as “Land
9 Development Code”). In the event of conflict between the provisions of the development plan
10 report (Exhibit "B") and the development plan maps (Exhibit "C"), the provisions, regulations,
11 and restrictions of the development plan maps (Exhibit "C") shall govern and prevail.

12 **Section 4.** All of the conditions of the previously approved Planned Development and
13 amendments thereto adopted by Ordinance Nos. 3248 and 3378 shall be preserved and shall
14 remain in full force and effect. Conditions 2 and 5 of Section 3. of Ordinance No. 000618 shall
15 be preserved and shall remain in full force and effect.

16 **Section 5.** If it is determined by the City Manager that a violation of this Ordinance exists,
17 the City Manager may issue and deliver an order to cease and desist from such violation and to
18 correct the violation, to preclude occupancy of the affected building or area, or to vacate the
19 premises. The City Manager, through the City Attorney, may seek an injunction in a court of
20 competent jurisdiction and seek any other remedy available at law.

21 **Section 6.** Any person who violates any of the provisions of this ordinance shall be deemed
22 guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided

1 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
2 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
3 offense.

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

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

