

Legislative #
150540

1 **ORDINANCE NO. 150540**

2 **An ordinance of the City of Gainesville, Florida, amending Ordinance No.**
3 **070447 (as was subsequently amended by Ordinance Nos. 100189 and**
4 **110700) to extend the deadline for the property owner/developer to have a**
5 **Planned Development (PD) zoning ordinance adopted that implements the**
6 **adopted Plum Creek Planned Use District (PUD) land use overlay; providing**
7 **a severability clause; providing a repealing clause; and providing an**
8 **immediate effective date.**

9
10 **WHEREAS**, on January 26, 2009, the City Commission adopted Ordinance No. 070447,
11 which, amongst other things, overlaid on certain property the Planned Use District (PUD) land
12 use category and provided a timeframe (i.e., within 18 months of the effective date of Ordinance
13 No. 070447) for which a Planned Development (PD) zoning ordinance must be adopted to
14 implement the PUD land use overlay; and

15 **WHEREAS**, on October 21, 2010, the City Commission adopted Ordinance No. 100189,
16 which amended Ordinance No. 070447 and extended the deadline for the adoption of an
17 implementing PD zoning ordinance until July 26, 2012; and

18 **WHEREAS**, on May 3, 2012, the City Commission adopted Ordinance No. 110700,
19 which amended Ordinance No. 070447 (as amended by Ordinance No. 100189) and extended the
20 deadline for the adoption of an implementing PD zoning ordinance until July 26, 2016; and

21 **WHEREAS**, on December 3, 2015, the City Commission considered the property
22 owner/developer's request to further extend the deadline for the adoption of an implementing PD
23 zoning ordinance and directed the City Attorney to draft this ordinance; and

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

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

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

5 **Section 1.** Section 2 of Ordinance No. 070447 (as was subsequently amended by
6 Ordinance Nos. 100189 and 110700) is amended as follows:

7 Within the Plum Creek Planned Use District (PUD), the underlying land use category of
8 Agriculture as shown on the map described in Section 1 of Ordinance No. 070447 is neither
9 abandoned nor repealed. However, the underlying land use category of Agriculture is
10 inapplicable as long as the property is developed and used in accordance with the development
11 plan approved in the implementing Planned Development (PD) zoning ordinance.

12 An implementing PD zoning ordinance consistent with the PUD land use overlay must be
13 adopted by the City Commission on or before July 26, 2016~~17~~. The obligation to timely apply for
14 and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not
15 adopted on or before July 26, 2016~~17~~, then the PUD land use overlay shall automatically be null
16 and void and of no further force and effect, and the PUD land use overlay shall ministerially be
17 removed from the Future Land Use Map and the applicable land use category shall be Agriculture.
18 An extension application by the owner/developer shall toll the expiration date until final City
19 Commission action on the extension application.

20 **Section 2.** Except as expressly modified, amended or changed by this ordinance, Ordinance
21 Nos. 070447, 100189 and 110700 shall remain in full force and effect.

22 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
23 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of this ordinance that can be given
2 effect without the invalid or unconstitutional provision or application, and to this end the
3 provisions of this ordinance are declared severable.

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

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

7 **PASSED AND ADOPTED** this ____ day of _____, 2016.

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EDWARD B. BRADDY
MAYOR

16 Attest:

Approved as to form and legality:

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KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

22

23 This ordinance passed on first reading this ____ day of _____, 2016.

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25 This ordinance passed on second reading this ____ day of _____, 2016.

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