

LEGISLATIVE #

110700A

ORDINANCE NO. 110700

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3 **An ordinance of the City of Gainesville, Florida, amending Ordinance No.**
4 **070447 (as was subsequently amended by Ordinance No. 100189) related to**
5 **Plum Creek Planned Use District (PUD); by providing an extension of time to**
6 **adopt a Planned Development (PD) zoning ordinance; by deleting redundant**
7 **Section 4 of both Ordinance No. 070447 and Ordinance No. 100189;**
8 **providing a severability clause; providing a repealing clause; and providing**
9 **an immediate effective date.**

10
11 **WHEREAS**, the City Commission, on January 27, 2009, adopted Ordinance No. 070447
12 providing a timeframe for which a Planned Development (PD) zoning ordinance must be adopted
13 to implement the Plum Creek Planned Use District (PUD) land use overlay; and

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

17 **WHEREAS**, on March 1, 2012, the City Commission considered a request to further
18 extend the timeframe for the adoption of a PD zoning ordinance; and

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

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

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

27 **Section 1.** Section 2 of Ordinance No. 070447 (as was subsequently amended by
28 Ordinance No.100189) is amended in its entirety to read as follows:

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 3 abandoned nor repealed.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

6 A An implementing PD (planned development) zoning ordinance consistent with the
 7 planned-use district PUD land use overlay must be adopted by the City Commission on or before
 8 July 26, 2016~~12~~. The obligation to timely apply for and obtain PD zoning shall be on the
 9 owner/developer. If the aforesaid zoning ordinance is not adopted on or before July 26, 2016~~12~~,
 10 then the ~~overlay planned-use district~~ PUD land use overlay shall automatically be null and void of
 11 ~~not and of no~~ further force and effect, and the overlay land use category of "Planned Use District"
 12 PUD land use overlay shall ministerially be removed from the Future Land Use Map, and the
 13 ~~underlying applicable~~ land use shall be the City of Gainesville land use category of shall be
 14 Agriculture. An extension application by the owner/developer shall toll the expiration date until
 15 final City Commission action on the extension application. The timely filing of one additional
 16 ~~extension application by the owner/developer to beyond the July 26, 2012 deadline shall toll the~~
 17 ~~expiration date until final City Commission action on the extension application.~~

18 **Section 2.** Section 4 of Ordinance No. 070447 is deleted in its entirety:

19 ~~**Section 4.** Those portions of the Planned Use District as shown on the map described in~~
 20 ~~Section 1 of this ordinance is neither abandoned nor repealed; such category is inapplicable as long~~
 21 ~~as the property is developed and used in accordance with the development plan approved in the~~
 22 ~~ordinance rezoning this property to Planned Development "PD". In the event, however, the~~
 23 ~~property described in Section 1 of this Ordinance is not rezoned by ordinance to Planned~~

1 ~~Development “PD” within 18 months of the effective date of this Ordinance, as provided in Section~~
2 ~~8 of this Ordinance, then the Planned Use District Category imposed by this Ordinance shall be~~
3 ~~deemed null and void and of no further force and effect, and the overlay land use category shall~~
4 ~~ministerially be removed from the Future Land Use Map, and the underlying land use shall be~~
5 ~~“Agriculture”.~~

6 **Section 3.** Section 4 of Ordinance No. 100189 is deleted in its entirety:

7 ~~**Section 4.** Those portions of the overlay Planned Use District category as shown on the~~
8 ~~map described in Section 1 of Ordinance No. 070447 with the underlying land use category of~~
9 ~~“Agriculture”, such category of “Agriculture” is neither abandoned nor repealed; such category is~~
10 ~~inapplicable as long as the property is developed and used in accordance with the development~~
11 ~~plan approved in the ordinance rezoning this property to Planned Development “PD”. In the~~
12 ~~event, however, the property described in Section 1 of this Ordinance is not rezoned by ordinance~~
13 ~~to Planned Development “PD” on or before July 26, 2012, then the Planned Use District~~
14 ~~Category imposed by this Ordinance shall be deemed null and void and of no further force and~~
15 ~~effect, and the overlay land use category shall ministerially be removed from the Future Land~~
16 ~~Use Map, and the underlying land use shall be “Agriculture”.~~

17 **Section 4.** Except as expressly modified, amended or changed by this Ordinance,
18 Ordinance No. 070447 and Ordinance No. 100189 shall remain in full force and effect.

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

1 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of
2 such conflict hereby repealed.

3 **Section 7.** This Ordinance shall become effective immediately upon final adoption.
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5 **PASSED AND ADOPTED** this _____ day of _____, 2012.

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CRAIG LOWE
MAYOR

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13 ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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

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