## LEGISLATIVE # 170996A

## **ORDINANCE NO. 170996**

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2 3 4 5 6 7 8	An ordinance of the City of Gainesville, Florida, amending Ordinance No. 070447 (as was subsequently amended by Ordinance Nos. 100189, 110700, and 150540) to extend the deadline for the property owner/developer to have a Planned Development (PD) zoning ordinance adopted that implements the adopted Plum Creek Planned Use District (PUD) land use overlay; providing a severability clause; providing a repealing clause; and providing an immediate effective date.		
9	WHEREAS, on January 26, 2009, the City Commission adopted Ordinance No. 070447, which,		
10	amongst other things, overlaid on certain property the Planned Use District (PUD) land use		
11	category and provided a timeframe (i.e., within 18 months of the effective date of Ordinance		
12	No. 070447) for which a Planned Development (PD) zoning ordinance must be adopted to		
13	implement the PUD land use overlay; and		
14	WHEREAS, on October 21, 2010, the City Commission adopted Ordinance No. 100189, which		
15	amended Ordinance No. 070447 and extended the deadline for the adoption of an		
16	implementing PD zoning ordinance until July 26, 2012; and		
17	WHEREAS, on May 3, 2012, the City Commission adopted Ordinance No. 110700, which		
18	amended Ordinance No. 070447 (as amended by Ordinance No. 100189) and extended the		
19	deadline for the adoption of an implementing PD zoning ordinance until July 26, 2016; and		
20	WHEREAS, on March 3, 2016, the City Commission adopted Ordinance No. 150540, which		
21	amended Ordinance No. 070447 (as amended by Ordinance Nos. 100189 and 110700) and		
22	extended the deadline for the adoption of implementing PD zoning ordinance until July 26,		
23	2018; and		

- 24 WHEREAS, at least 10 days' notice has been given once by publication in a newspaper of
- 25 general circulation notifying the public of this proposed ordinance and of public hearings in the
- 26 City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and
- WHEREAS, public hearings were held pursuant to the notice described above at which hearings
- 28 the parties in interest and all others had an opportunity to be and were, in fact, heard.
- 29 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
- 30 **FLORIDA**:

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- 31 **SECTION 1.** Section 2 of Ordinance No. 070447 (as was subsequently amended by Ordinance
- 32 Nos. 100189, 110700, and 150540) is amended as follows:
  - Within the Plum Creek Planned Use District (PUD), the underlying land use category of Agriculture as shown on the map described in Section 1 of Ordinance No. 070447 is neither abandoned nor repealed. However, the underlying land use category of Agriculture is inapplicable as long as the property is developed and used in accordance with the development
- 37 plan approved in the implementing Planned Development (PD) zoning ordinance.

An implementing PD zoning ordinance consistent with the PUD land use overlay must be adopted by the City Commission on or before July 26, 2018-July 26, 2019. The obligation to timely apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted on or before July 26, 2018 July 26, 2019, then the PUD land use overlay shall automatically be null and void and of no further force and effect, and the PUD land use overlay shall ministerially be removed from the Future Land Use Map and the applicable land use category shall be Agriculture. An extension application by the owner/developer shall toll the expiration date until final City Commission action on the extension application.

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CODE: Words stricken are deletions; words underlined are additions.

16	<b>SECTION 2.</b> Except as expressly modified, amended, or changed by this ordinance, Ordinance No.		
17	070447, 100189, 110700, and 150540 shall remain in full force and effect.		
18	SECTION 3. If any word, phrase, clause, paragraph, section, or provision of this ordinance		
19	the application hereof to any person or circumstance is held invalid or unconstitutional, such		
50	finding shall not affect the other provisions or applications of this ordinance that can be give		
51	effect without the invalid or unconstitutional provision or application, and to this end the		
52	provisions of this ordinance are declared severable.		
53	SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of suc		
54	conflict hereby repealed.		
55	<b>SECTION 5</b> . This ordinance shall become effective immediately upon adoption.		
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57	PASSED AND ADOPTED this day of	, 2018.	
58 59 50 51			
52 53 54		LAUREN POE MAYOR	
55 56 57 58	Attest:	Approved as to form and legality:	
59 70 71 72	OMICHELE D. GAINEY CLERK OF THE COMMISSION	NICOLLE M. SHALLEY CITY ATTORNEY	
73	This ordinance passed on first reading this	day of, 2018.	
74 75	This ordinance passed on second reading this	day of, 2018.	