

LEGISLATIVE #

210729A

26 **WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this proposed
27 amendment to the reviewing agencies and any other local government unit or state agency that
28 requested same; and

29 **WHEREAS**, a second advertisement no less that two columns wide by ten (10) inches long was
30 placed in the aforesaid newspaper and provided the public with at least five (5) days' advance notice
31 of this ordinance's second public hearing (i.e., adoption hearing) to be held by the City Commission;
32 and

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

35 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered any written
36 comments received concerning this amendment to the Comprehensive Plan.

37 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
38 **FLORIDA:**

39 **SECTION 1.** A Property Rights Element is added to the City of Gainesville Comprehensive Plan to
40 read as follows:

41 **PROPERTY RIGHTS ELEMENT**

42 **Objective:** The City of Gainesville will respect constitutionally protected and judicially
43 acknowledged private property rights, and will consider private property rights as part of the
44 local decisionmaking process.

45 **Policy:** The following rights shall be considered in local decisionmaking:

- 46 a. The right of a property owner to physically possess and control the owner's interests in the
47 property, including easements, leases, or mineral rights.
- 48 b. The right of a property owner to use, maintain, develop, and improve the owner's property
49 for personal use of for the use of any other person, subject to state law and local ordinances.

- 50 c. The right of the property owner to privacy and to exclude others from the property to protect
- 51 the owner's possessions and property.
- 52 d. The right of a property owner to dispose of owner's property through sale or gift.

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54 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this

55 ordinance will become and be made a part of the City of Gainesville Comprehensive Plan and

56 that the sections and paragraphs of the Comprehensive Plan may be renumbered in order to

57 accomplish such intent.

58 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary

59 changes to the City of Gainesville Comprehensive Plan in order to fully implement this ordinance.

60 The City Manager or designee is authorized to correct any typographical errors that do not affect

61 the intent of this ordinance.

62 **SECTION 4.** Within ten (10) working days of the transmittal (first) hearing, the City Manager or

63 designee is authorized and directed to transmit this plan amendment and appropriate supporting

64 data and analyses to the reviewing agencies and to any other local government or governmental

65 agency that has filed a written request for same with the City. Within ten (10) working days of

66 the adoption (second) hearing, the City Manager or designee is authorized and directed to

67 transmit this plan amendment and appropriate supporting data and analyses to the state land

68 planning agency and any other agency or local government that provide timely comments to the

69 City.

70 **SECTION 5.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the

71 application hereof to any person or circumstance is held invalid or unconstitutional, such finding

72 will not affect the other provisions or applications of this ordinance that can be given effect

73 without the invalid or unconstitutional provision or application, and to this end the provisions of
74 this ordinance are declared severable.

75 **SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
76 conflict hereby repealed on the effective date of this plan amendment.

77 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the
78 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
79 amendment is not timely challenged, will be 31 days after the state land planning agency notifies
80 the City that the plan amendment package is complete in accordance with Section 163.3184,
81 Florida Statutes. If timely challenged, this Comprehensive Plan amendment will become effective
82 on the date the state land planning agency or the Administration Commission enters a final order
83 determining the amendment to be in compliance with Chapter 163, Florida Statutes. No
84 development orders, development permits, or land uses dependent on this Comprehensive Plan
85 amendment may be issued or commenced before this amendment has become effective.

86 **PASSED AND ADOPTED** this _____ day of _____, 2022.

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

102 This ordinance passed on (first) transmittal hearing this ____ day of _____, 2022.

103 This ordinance passed on (second) adoption hearing this ____ day of _____, 2022.

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