

LEGISLATIVE #

211052A

27 **WHEREAS**, in order to conform the Land Development Code to the Charter, certain sections referencing
28 "clerk of the commission" must be changed to "city clerk"; and

29 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the Land
30 Development Code as described herein; and

31 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter
32 Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174,
33 Florida Statutes, held a public hearing on March 31, 2022, and voted to recommend the City Commission
34 approve this text change to the Land Development Code; and

35 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
36 circulation notifying the public of this proposed ordinance and of public hearings in the City Hall
37 Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

40 **WHEREAS**, the City Commission finds that the Land Development Code text amendment described herein
41 is consistent with the City of Gainesville Comprehensive Plan.

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

43 **SECTION 1.** Subsection (B)(5)(b) of Section 30-3.3 of the Land Development Code is amended as follows.
44 Except as amended herein, the remainder of Section 30-3.3 remains in full force and effect.

45 **Sec. 30-3.3. City Plan Board.**

46 B. *Membership.*

47 5. Probationary period for regular members.

48 b. Any appointee who fails to successfully complete the probationary period, except as
49 provided below, shall be automatically disqualified for membership on the city plan board,

50 upon the filing with the city clerk of the commission of appropriate proof that the appointee
51 has failed to successfully complete the probationary period.

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53 **SECTION 2.** Subsection (B)(4)(b) of Section 30-3.4 of the Land Development Code is amended as follows.

54 Except as amended herein, the remainder of Section 30-3.4 remains in full force and effect.

55 **Sec. 30-3.4. Development Review Board.**

56 B. *Membership.*

57 4. Probationary period.

58 b. Any appointee who fails to successfully complete the probationary period, except as
59 provided below, shall be automatically disqualified for membership on the development
60 review board, upon the filing with the city clerk of the commission of appropriate proof that
61 the appointee has failed to successfully complete the probationary period.

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63 **SECTION 3.** Subsection (E)(4)(b) of Section 30-3.37 of the Land Development Code is amended as follows.

64 Except as amended herein, the remainder of Section 30-3.37 remains in full force and effect.

65 **Sec. 30-3.37. Subdivisions.**

66 E. *Final plat.*

67 4. *Review.*

68 b. *City commission review.* If the final plat is consistent with the design plat as approved by the
69 city commission, meets all requirements of this chapter, and otherwise complies with all
70 applicable laws and ordinances, it shall be forwarded to the city commission for final
71 consideration. Upon approval, the final plat shall bear certification of the approval by the
72 city clerk of the city commission.

73

74 **SECTION 4.** Subsection (B)(1) of Section 30-3.39 of the Land Development Code is amended as follows.

75 Except as amended herein, the remainder of Section 30-3.39 remains in full force and effect.

76 **Sec. 30-3.39. Security for Subdivision Improvements.**

77 B. *Conditional final plat.*

78 1. In lieu of the security requirements of this section, the city commission may approve a
79 conditional final plat, where approval of the plat is conditioned on the subdivider proceeding
80 with installation of the required subdivision improvements and fully completing the
81 improvements, in full accordance with approved plans and specifications and the ordinances of
82 the city, within two years of the date of conditional final plat approval. The plat shall not be
83 recorded, but shall be retained by the city clerk ~~of the commission~~ until the city manager shall
84 have certified that all required subdivision improvements have been completed in accordance
85 with approved plans and specifications and ordinances of the city and the same has been
86 approved by the city commission. Upon certification by the city manager and upon proof by
87 title insurance or other similar assurance to the satisfaction of the city that there are no liens or
88 possibilities of liens on the subdivision improvements or on the property to be dedicated to the
89 public, and that the dedicator has clear fee title thereto, the city shall approve the final plat and
90 accept the dedication of the public right-of-way easements, and other dedicated portions as
91 previously shown on the prior approved plat as set out in this chapter, and the subdivider shall
92 record the plat and provide copies as specified in section 30-3.37.

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94 **SECTION 5.** Subsection (C)(5) of Section 30-10.8 of the Land Development Code is amended as follows.

95 Except as amended herein, the remainder of Section 30-10.8 remains in full force and effect.

96 **Sec. 30-10.8. Vested Rights Determination Process.**

97 C. *Appeals.*

98 5. *Hearing officer decision.* No later than 30 calendar days following the date of the appeal
99 hearing, the hearing officer shall file with the city manager or designee, with a copy to the
100 applicant and the city clerk ~~of the commission~~, a written determination that includes
101 appropriate findings of fact, conclusions of law, and decisions in the matter of the appeal. The
102 decision of the hearing officer, which may affirm, affirm with conditions, or reverse the decision
103 of the city manager or designee, shall be based upon the criteria for presumptive or
104 nonpresumptive vesting as established in this division, and shall be guided by the
105 Comprehensive Plan, this chapter, and established case law. The decision of the hearing officer
106 shall be final, subject to judicial review.

107

108 **SECTION 6.** It is the intention of the City Commission that the provisions of Sections 1 through 5 of this
109 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and
110 that the sections and paragraphs of the Code of Ordinances may be renumbered or relettered in order to
111 accomplish such intent.

112 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
113 application hereof to any person or circumstance is held invalid or unconstitutional, such finding will not
114 affect the other provisions or applications of this ordinance that can be given effect without the invalid or
115 unconstitutional provision or application, and to this end the provisions of this ordinance are declared
116 severable.

117 **SECTION 8.** All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict
118 hereby repealed.

119 **SECTION 9.** This ordinance will become effective immediately upon adoption.

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121 **PASSED AND ADOPTED THIS ____ DAY OF _____, 2022.**

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124

LAUREN POE
MAYOR

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128 ATTEST:

Approved as to form and legality

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OMICHELE D. GAINNEY
CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

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This ordinance passed on first reading this ____ day of _____, 2022.

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This ordinance passed on second reading this ____ day of _____, 2022.