



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~~.

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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.

93  
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.

120

121 **PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF June, 2022.**

122



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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134 This ordinance passed on first reading this 2<sup>nd</sup> day of June, 2022.

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136 This ordinance passed on second reading this 16<sup>th</sup> day of June, 2022.

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