## LEGISLATIVE # 210729A

1	ORDINANCE NO. 210729	
2 3 4 5 6 7	An ordinance of the City of Gainesville, Florida, amending the Comprehensive Plan of the City of Gainesville by adding a Property Rights Element; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.	
7 8	WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a	
9	Comprehensive Plan to guide the future development and growth of the city; and	
10	WHEREAS, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),	
11	Florida Statutes, must provide the principles, guidelines, standards, and strategies for the orderly	
12	and balanced future economic, social, physical, environmental, and fiscal development of the city	
13	as reflected by the community's commitments to implement such plan; and	
14	WHEREAS, Section 163.3177(6)(i), Florida Statutes, which subsection became effective on July 1,	
15	2021, requires the City of Gainesville Comprehensive Plan to include a Property Rights Element	
16	to ensure that private property rights are considered in local decisionmaking; and	
17	WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the	
18	Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to	
19	Section 163.3174, Florida Statutes, held a public hearing on January 10, 2022, and voted to make a	
20	recommendation to the City Commission regarding this amendment to the Comprehensive Plan;	
21	and	
22	WHEREAS, an advertisement no less than two columns wide by ten (10) inches long was placed in a	
23	newspaper of general circulation and provided the public with at least seven (7) days' advance	
24	notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City	

25 Commission; and

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	<b>Objective</b> : The City of Gainesville will respect constitutionally protected and judicially
43 44	acknowledged private property rights, and will consider private property rights as part of the local decisionmaking process.
45	Policy: The following rights shall be considered in local decisionmaking:
46 47	a. The right of a property owner to physically possess and control the owner's interests in the 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 <u>d.</u> The right of a property owner to dispose of owner's property through sale or gift.
- 53

**SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this ordinance will become and be made a part of the City of Gainesville Comprehensive Plan and that the sections and paragraphs of the Comprehensive Plan may be renumbered in order to accomplish such intent.

SECTION 3. The City Manager or designee is authorized and directed to make the necessary changes to the City of Gainesville Comprehensive Plan in order to fully implement this ordinance. The City Manager or designee is authorized to correct any typographical errors that do not affect the intent of this ordinance.

**SECTION 4**. Within ten (10) working days of the transmittal (first) hearing, the City Manager or 62 designee is authorized and directed to transmit this plan amendment and appropriate supporting 63 64 data and analyses to the reviewing agencies and to any other local government or governmental agency that has filed a written request for same with the City. Within ten (10) working days of 65 the adoption (second) hearing, the City Manager or designee is authorized and directed to 66 transmit this plan amendment and appropriate supporting data and analyses to the state land 67 68 planning agency and any other agency or local government that provide timely comments to the 69 City.

SECTION 5. If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding will not affect the other provisions or applications of this ordinance that can be given effect

- 3 - CODE: Words stricken are deletions; words <u>underlined</u> are additions.

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

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

77 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the effective date of this amendment to the City of Gainesville Comprehensive Plan, if the 78 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, Florida Statutes. If timely challenged, this Comprehensive Plan amendment will become effective 81 on the date the state land planning agency or the Administration Commission enters a final order 82 83 determining the amendment to be in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this Comprehensive Plan 84 85 amendment may be issued or commenced before this amendment has become effective.

PASSED AND ADOPTED this	day of, 2022
	LAUREN POE
	MAYOR
Attest:	Approved as to form and legality
OMICHELE D. GAINEY	DANIEL M. NEE
CITY CLERK	INTERIM CITY ATTORNEY

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

103This ordinance passed on (second) adoption hearing this \_\_\_\_\_ day of \_\_\_\_\_, 2022.104