



## Legislation Text

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**File #:** 210729., **Version:** 3

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### **Comprehensive Plan Amendment - Property Rights Element (B)**

Ordinance No. 210729

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.

The City Commission adopt the proposed ordinance.

#### STAFF REPORT

Update since first reading: On February 3, 2022, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received written communications from the Florida Department of Economic Opportunity, and the Office of Intergovernmental Programs of the Florida Department of Environmental Protection Department. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This ordinance adds a Property Rights Element to the City's Comprehensive Plan in accordance with a state law requirement (Section 163.3177(6)(i), Florida Statutes) that became effective on July 1, 2021.

Section 163.3177(6), Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of this amendment to the Comprehensive Plan, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

