



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2021-14, CPA-21-04**
Property Rights Element

BACKGROUND

Statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended during the last Florida Legislative session, through CS/HB 59 (Harris Act) by adding Florida Statutes Section 163.3177(6)(i), which requires each local government to adopt a Property Rights Element into their comprehensive plan. Inclusion of the Property Rights Element is intended to protect private property rights and to ensure they are considered in local decision-making.

The new law which was effective July 1, 2021, requires each local government to adopt a Property Rights Element by the earlier of: (1) the adoption of its next proposed plan amendment that is initiated after July 1, 2021, or (2) the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes. The proposed Property Rights Element Comprehensive Plan Amendment is intended to meet this requirement.

The Local Planning Agency reviewed this text amendment on October 20, 2021, and recommended approval by a vote of 5-0. On November 1, 2021 the City Council voted 4-0 to approve the amendment on first reading and transmit it to the Florida Department of Economic Opportunity (DEO). The Planning and Engineering Department received notice on December 2, 2021 from DEO that they had no comments on the proposed amendment. In addition, no other reviewing agency had comments on the content of the amendment.

ANALYSIS

Overall, this amendment is compatible with the Treasure Coast Regional Planning Council's Strategic Policy Plan and Chapter 163, Florida Statutes.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2021-14 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of CPA-21-04 through the adoption of Ordinance 2021-14.